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COMMITTEE MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
SIERRA HEARING ROOM
SACRAMENTO, CALIFORNIA

MONDAY, APRIL 11, 2005
10:00 A.M.

TIFFANY C. KRAFT, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chair

Ms. Rosario Marin

Mr. Carl Washington

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Marie Carter, Chief Counsel

Ms. Sharon Anderson, Branch Manager, LEA Support Services
Branch

Mr. Michael Bledsoe, Staff Counsel

Ms. Bridget Brown, Staff

Mr. Chris Deidrick, Staff

Ms. Donnell Duclo, Executive Assistant

Ms. Mindy Fox, Supervisor, Training, Outreach & Special
Assistance Section

Mr. Keith Kennedy, Staff

Mr. Howard Levenson, Deputy Director

Mr. Wes Mindermann, Supervisor, Solid Waste Cleanup
Programs Section

Ms. Virginia Rosales, Staff

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES CONTINUED

STAFF

Mr. Bernie Vlach, Branch Manager, Facilities Operations
Branch

Mr. Scott Walker, Branch Manager, Remediation, Closure, &
Technical Services Branch

ALSO PRESENT

Mr. John Abernathy, Sacramento County DWMR SWANA

Mr. Kevin Barns, City of Bakersfield

Mr. Evan Edgar, CRRC

Mr. Dennis Ferrier, LEA/EAC San Jose

Mr. Steven Jones

Ms. Yvette Gomes Agredano, SWANA

Mr. Jim Goodloe, LEA, Mono County

Mr. Joe Mello, Water Resources Control Board

Mr. Evan Nikerk, Mono County Public Works Director

Mr. Scott Schreiber, Director of the Landfills, Waste
Connections

Mr. Scott Smithline, Californians Against Waste

Mr. Steven Sopp, Community Development Director, City of
Avenal

Mr. Larry Sweetser, Rural Counties Environmental Services
Joint Power Authority

Ms. Diane Wilson, Kern County LEA

INDEX

	PAGE
Roll Call And Declaration Of Quorum	1
A. Deputy Director's Report	2
B. PULLED Consideration Of A Scope Of Work And Agreement With The Department Of Toxic Substances Control For Remediation, Pursuant To The Solid Waste Disposal And Codisposal Site Cleanup Program, Of The BKK Landfill, Los Angeles County (Solid Waste Disposal Trust Fund, Fy 2004/05)	
C. Consideration Of A New Full Solid Waste Facilities Permit (Transfer/Processing And Composting Material Handling Facility) For The Mount Vernon Avenue Recycling And Composting Facility, Kern County	13
Motion	16
Vote	17
D. Consideration Of A Revised Full Solid Waste Facilities Permit (Disposal Facility) For The Benton Crossing Landfill, Mono County	17
Motion	30
Vote	30
E. Consideration Of A Revised Full Solid Waste Facilities Permit (Disposal Facility) For The Avenal Regional Landfill, Kings County	30
Motion	41
Vote	41
F. Consideration Of The Grant Awards For The Farm And Ranch Solid Waste Cleanup And Abatement Grant Program Fy 2004/2005	42
Motion	46
Vote	46
G. Consideration of Approval of Landfill Closure Loan Program Loans (Integrated Waste Management Account FY 2004/2005)	46
Motion	52
Vote	52

INDEX CONTINUED

	PAGE
H. Discussion Of And Request For Direction On The Board's Role In Broader Local Enforcement Agency (LEA) And Facility Operator Training	52
I. Discussion And Request For Rulemaking Direction On Noticing Revisions To The Proposed Regulations For RCRA Subtitle D Program Research, Development, And Demonstration Permits For An Additional Comment Period	99
J. Adjournment	114
K. Reporter's Certificate	115

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1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good morning, everyone. I'd
3 like to welcome all of you to the April 11th meeting of
4 the Permitting and Enforcement Committee.

5 We do have agendas on the back table, so feel
6 free to take one. And if anyone wishes to speak to the
7 Board, there are speaker slips in the back as well. And
8 you can give them to Ms. Duclo here up front. And you
9 will have an opportunity to address the Committee.

10 If you also could turn off your cell phones and
11 your pagers or put them on the silent mode, we would
12 certainly appreciate that as well.

13 And, Donnell, could you please call the roll?

14 SECRETARY DUCLO: Certainly.

15 Board Member Marin?

16 COMMITTEE MEMBER MARIN: Present.

17 SECRETARY DUCLO: Washington?

18 COMMITTEE MEMBER WASHINGTON: Here.

19 SECRETARY DUCLO: Mulé?

20 CHAIRPERSON MULÉ: Here.

21 And I would like to welcome Board Member
22 Washington to our Committee here today. This is his first
23 meeting with our new structure for our Committee. And
24 welcome.

25 COMMITTEE MEMBER WASHINGTON: Thank you.

1 CHAIRPERSON MULÉ: Good to have you.

2 COMMITTEE MEMBER MARIN: I welcome him, too.

3 CHAIRPERSON MULÉ: Board members, do you have any
4 ex partes?

5 COMMITTEE MEMBER MARIN: I'm up to date.

6 COMMITTEE MEMBER WASHINGTON: I'm up to date.

7 CHAIRPERSON MULÉ: And as am I, up to date.

8 And I would like to note that -- Howard is going
9 to go into this, but Item 11 of our agenda has been pulled
10 from the Permitting and Enforcement Committee agenda. A
11 revised agenda item will be heard at the full Board
12 meeting next week on April 19th. So I just wanted to make
13 a note of that.

14 With that, Howard, could you give us your Deputy
15 Director's report.

16 DEPUTY DIRECTOR LEVENSON: Certainly, Madam
17 Chair. And good morning, Board members. And welcome, Mr.
18 Washington.

19 COMMITTEE MEMBER WASHINGTON: Thank you.

20 DEPUTY DIRECTOR LEVENSON: I might as well start
21 with BKK. I have a number of items in my report this
22 morning. But with respect BKK, as you know, the item for
23 the stormwater drain cleanup was pulled from the Committee
24 agenda. Very briefly, the Department of Toxic Substances
25 Control indicated last week they've now secured sufficient

1 funding, or assurances of funding from the General Fund,
2 to cover the estimated \$3.78 million repair job. So they
3 requested that the item, which would have involved an
4 agreement between Toxics to provide some moneys for that
5 remediation, be withdrawn.

6 However, both Waste Board staff and Toxics staff
7 agree it would still be valuable for the Board to pledge
8 its support towards continuing to work with the Department
9 of Toxic Substances Control on remediation of the
10 stormwater drain. So to accomplish this, we're preparing
11 a new different item for next week's Board meeting. That
12 will be Item, I believe, 29. And it should be posted in
13 the next day or two for the public to look at.

14 It's also possible if the repair cost estimates
15 continue to increase as they have over time as we look
16 more and more at the site and end up exceeding the amount
17 of General Fund monies that DTSC has been able to secure,
18 then DTSC may request some supplemental funding part way
19 through the project. If that's the case, we will bring an
20 item to the Committee and the Board for your consideration
21 of that request. That is the status of BKK.

22 Now let me turn to another favorite subject, La
23 Montaa. I'm very pleased to announce that the mountain
24 is gone.

25 (Applause)

1 DEPUTY DIRECTOR LEVENSON: So we are very happy
2 about that. Monday, April 4th, was the last day of debris
3 removal. We had over 7,000 trucks come into and leave the
4 site pretty much without a hitch.

5 Staff did meet last week with Mr. Pasternak, who
6 is the court receiver that is overseeing the entire site,
7 and with Henry Grey of the city, to go over the status of
8 the project and other activities. You should know there
9 has been some recent maneuvering by the owner's attorney
10 regarding the demolition of the buildings that are still
11 on site and the status of some of the inventoried
12 equipment that belonged to the owner. We are not
13 authorized to remove this material at this point by
14 Mr. Pasternak. We may be authorized to do so, and that
15 will not pose a problem for us. We can go back in later
16 on and get the building taken care of and the equipment,
17 depending on what the receiver directs us to do.

18 In terms of cost, the total cost of the project
19 right now is looking like \$2.3 million, which is a shade
20 over the \$2.1 million we originally estimated. This is
21 primarily due to the weather delays and having the
22 contractor on site more. And, also, there was about
23 10,000 more cubic yards of material than we originally
24 anticipated. Again, this is not a problem. The Board
25 authorized up to \$4 million for this cleanup project.

1 COMMITTEE MEMBER MARIN: Don't say it so loud.

2 DEPUTY DIRECTOR LEVENSON: Last week, staff
3 provided a tour to community representative Linda Marquez.
4 She was very happy to see the rubble pile all gone. And
5 I'm sure other members of the public, when they get to see
6 the site, will have the same feelings.

7 We have talked to Mr. Pasternak and Mr. Grey
8 about a public celebration event. Our Public Affairs
9 Office is working on that in conjunction with your
10 offices. And I think we're shooting for Earth Day, April
11 22nd, but that depends on the availability of a lot of
12 folks. So that's the status of La Montaa.

13 I wanted to let you know about some of the
14 efforts we're taking to protect our own staff. As all of
15 you've said at one time or another, the health and safety
16 of our staff is of utmost importance. And, unfortunately,
17 we've had some recent incidents in the field that have
18 severely compromised staff safety. We have undertaken an
19 extensive review of our health and safety manual which
20 outlines our plans and procedures to comply with all the
21 Cal/OSHA regulations. Without going into a lot of detail,
22 we are working with Diane Kihara, our Health and Safety
23 Officer. We are revising our manual to include additional
24 on workplace -- especially out in the field violence
25 prevention measures. And as a start, our Health and

1 Safety Program is providing specialized training later
2 this month, on April 26th, for all field staff here at the
3 Board, with the goal of helping staff better prevent or
4 deal with harmful or violent events. This course will be
5 taught by the California Highway Patrol. So we're very
6 pleased to get that going. And there will be more along
7 those lines to increase our abilities to protect staff out
8 in the field.

9 Next I wanted to provide some kudos from staff.
10 I received a letter last week from Karen Hodel, Program
11 Manager of the Orange County Solid Waste Department,
12 lauding our staff. This was with respect to the Madison
13 Materials Transfer Station permit. Just a couple of
14 quotes I think are worth putting on the record.

15 "I would like to recognize and extend my deep
16 and sincere appreciation for the invaluable
17 service we received from Michael Bledsoe, Mark de
18 Bie, Raymond Seamans, Suzanne Hambleton, Tadese
19 Gebre-Hawariat, and Gino Yekta as it pertains to
20 the enforcement actions, environmental review
21 process, and permitting process involving the
22 Madison Materials Facility. These individuals,
23 in working with my staff, represented the highest
24 level of teamwork between our agencies. Our
25 agency is fortunate to have access to the highest

1 caliber of professionals."

2 That's the kinds of things that go on all the
3 time between our staff and local jurisdictions and
4 operators and LEAs.

5 Couple more items. On March 29th, we cohosted a
6 workshop on fires and solid waste piles with a conference
7 of directors of environmental health and the State Fire
8 Marshal. I want to thank our R&R team, Rosario and
9 Rosalie, for joining us in the morning to kick the
10 workshop off. This was really, I think, an unprecedented
11 workshop. We brought together state and local fire
12 officials, LEAs, and operators to discuss the issue of
13 fires and stored piles of material and begin working on
14 potential solutions.

15 We had over 50 people at the workshop, including
16 15 to 20 fire officials and the State Fire Marshal
17 himself, and another 50 to 55 were listening in on the
18 webcast. We heard a lot of stories about specific
19 incidents and suggestions about prevention and suppression
20 of fires. At the end, we had participants prioritize
21 potential solutions. The top three they came up with
22 were: Educational materials, including web information
23 and more training involving LEAs, operators, and local
24 fire officials; developing a model ordinance which might
25 be done by the Fire Marshal, he's considering that; and

1 best management practices which would link back into the
2 training program.

3 We'll be meeting early this summer with CCDEH and
4 the Fire Marshal to keep working on this and we'll keep
5 you apprised of the next steps. We do have a web page
6 that posts the discussion paper and initial guidance we
7 provided earlier this year to LEAs. And the State Fire
8 Marshal will also be developing a web page on this topic.

9 We also have been dealing with the issue of
10 treated wood waste, which, in response to the passage of
11 AB 1353 last year, has created some problems in
12 implementing it and getting treated wood waste to the
13 proper disposal locations. We met last week with
14 representatives of the treated wood waste industry and
15 other CalEPA BDOs to discuss implementation of this bill,
16 which basically requires treated wood waste to be disposed
17 of in either a Class 1 hazardous waste landfill or a
18 composite lined portion of a solid waste landfill that
19 also has waste discharge requirements that adequately
20 cover this waste.

21 Currently, there are only nine landfills in the
22 state that meet these requirements. Industry is concerned
23 there isn't sufficient permitted disposal capacity in
24 regions where there is a lot of treated wood waste being
25 generated, and this also includes the grape stakes as a

1 subset industry the wine growing industry is now
2 generating. They used to be able to burn those stakes.
3 They're no longer able to do that. That's another form of
4 treated wood that falls under this problem.

5 The primary issue is that many landfills that
6 might accept treated wood waste first have to get their
7 waste discharge requirements approved by the appropriate
8 Regional Water Board. We've taken the lead in working
9 with the State Water Board to get guidance out to landfill
10 operators probably later this week or early next week
11 telling them they need to begin the process of amending
12 their WDRs and showing them how to work their way through
13 the process so we can get more landfills online and
14 adequately permitted to take this material as soon as
15 possible. And Executive Director Leary also is working
16 with the waste management industry and some of the grape
17 growing associations on the subset of grape stake issues.
18 So we'll be doing more work on that.

19 COMMITTEE MEMBER MARIN: Can I ask you some
20 questions regarding this?

21 So we have about 167 or -69 landfills. Out of
22 those, only nine are able to receive --

23 DEPUTY DIRECTOR LEVENSON: At this point, that's
24 correct, because of the permit requirements related to the
25 waste discharge requirement that's issued by the Regional

1 Water Board. Towards the end of the discussions on the
2 bill, a provision was inserted requiring that the WDRs
3 specifically address treating wood waste. So if they have
4 a WDR that does not specifically address that, it has to
5 be amended.

6 COMMITTEE MEMBER MARIN: Okay. And what would it
7 take to amend it?

8 DEPUTY DIRECTOR LEVENSON: That's a normal
9 Regional Water Board process that the Regional Boards --
10 they have a process set up. The operator has to go
11 through the Regional Board and bring it to that Board for
12 consideration.

13 COMMITTEE MEMBER MARIN: Is there any way that we
14 can jointly work with them if we already know -- and we
15 can target and have a group of landfills, that we can move
16 them? We can't be requiring them to do something and then
17 not give them the opportunity to comply or facilitate the
18 opportunities to comply.

19 DEPUTY DIRECTOR LEVENSON: That's exactly right,
20 Ms. Marin. That's why we're working with the State Water
21 Board. And we're going to be getting guidance out to all
22 the landfills in the state, or certainly the ones in those
23 regions this week and then do follow ups with them to try
24 to get them through that process.

25 It is a prescribed process at the Regional Water

1 Board. So there's only a certain amount that we can do to
2 streamline the process. I think probably the best thing
3 we can do is make sure people are getting into the
4 pipeline as soon as possible. And the Water Board will
5 have to work on expediting that.

6 COMMITTEE MEMBER MARIN: I appreciate that. But
7 I think maybe we could have like joint meetings with the
8 Water Board. Maybe we can move a group, and I think we
9 need to be very targeted in our efforts. I just think
10 that they cannot burn the grape stakes anymore as they
11 used to and have done for hundreds of years. Right?
12 That's what they've traditionally done. So we tell them
13 they can't do that. But they can't go except to nine
14 places where they can put this out there. That's not --

15 DEPUTY DIRECTOR LEVENSON: I think the other --
16 and I mentioned Mr. Leary is leading kind of an associated
17 effort where we have had some conversations with the waste
18 management companies and some of the grape growing
19 associations. And we plan to expand that so we can get
20 those folks together, because there's probably synergies
21 of collection that can be --

22 COMMITTEE MEMBER MARIN: I certainly would like
23 to somewhere, somehow facilitate -- and if we know where
24 all of these facilities are that would be needed to get
25 their permit, you know, up to date or updated, then maybe

1 we could just move with the Water Board with at least a
2 group, just makes more sense.

3 EXECUTIVE DIRECTOR LEARY: I think you're right,
4 Madam Chair. Mark Leary, for the record.

5 In lieu of those additional disposal locations
6 throughout the state, the activities that Howard
7 referenced in my regard is to work with the industry and
8 the grape stake waste producers to facilitate movement of
9 grape stakes to locations that are currently permitted
10 while we're waiting for further locations to be getting
11 permits. So the industry seems very open to the idea of
12 setting up centralized collection locations throughout the
13 valley, which, of course, is the primary area where grape
14 stake waste is produced, and move from those collection
15 locations, the waste, to the large regional landfills that
16 are able to take the grape stake waste.

17 So we're trying to tackle it on both fronts; one
18 by expediting the permitting by working with the Regional
19 and State Water Boards. And in lieu of having additional
20 locations, set up collection locations for the movement of
21 materials to permitted locations. It's a high priority
22 for Secretary Lloyd and the administration to resolve this
23 issue.

24 COMMITTEE MEMBER MARIN: Okay. Thank you.

25 DEPUTY DIRECTOR LEVENSON: And that wraps up my

1 report, other than to indicate that for next month, our
2 primary activity is the LEA Conference, which will be in
3 Orange County on the 11th, 12th, 13th. The first day of
4 that is the Board meeting. So we're looking forward to
5 you wrapping up the Board meeting and joining us at the
6 conference and interacting with LEAs at that venue. There
7 will be more information about that coming out throughout
8 the next month.

9 That wraps up my report.

10 CHAIRPERSON MULÉ: Thank you.

11 Does anybody have any other questions for Howard?

12 Good. Well, let's move on to Item 12 or
13 Committee Item C.

14 DEPUTY DIRECTOR LEVENSON: Item C is
15 Consideration of a New Full Solid Waste Facilities Permit
16 for the Mount Vernon Avenue Recycling and Composting
17 Facility in Kern County. And Chris Deidrick will make
18 that presentation.

19 CHAIRPERSON MULÉ: Morning, Chris.

20 MR. DEIDRICK: Morning, Madam Chair, Committee
21 members.

22 This proposed new permit is for the Mount Vernon
23 Avenue Recycling and Composting Facility. The primary
24 purpose is to consolidate an existing construction and
25 demolition recycling and composting operation that

1 operates under two registration permits and one
2 standardized permit into one full solid waste facilities
3 permit.

4 The proposed new permit for the facility includes
5 the following specifications and conditions: Hours of
6 operation will be 7:00 a.m. to 4:00 p.m., seven days a
7 week; the permitted maximum daily tonnage is 575 tons per
8 day for construction and demolition concrete and street
9 sweeping waste; 976 tons of green waste, wood material,
10 grass, and food waste. There will be a total of 197
11 permitted acres; 15 acres for transfer and processing
12 operation and 82 acres for composting operations.

13 The design capacity of the facility is 139,433
14 tons. The organics component for the composting operation
15 will include green waste from curbside operations, grass
16 clippings, food, and paper waste. And the facility will
17 employ the windrow composting process.

18 In conclusion, Board staff have determined that
19 all the requirements for the proposed permit have been
20 fulfilled. Board staff recommends that the Board adopt
21 Board Resolution Number 2005-92 concurring with the
22 issuance of Solid Waste Facility Permit Number 15-AA-0311.

23 Here today to respond to any questions you may
24 have on this item representing the Local Enforcement
25 Agency is Diane Wilson of the Kern County Environmental

1 Health Services Department, and Kevin Barns, who's the
2 Solid Waste Director for the City of Bakersfield Division
3 of Solid Waste and Recycling.

4 CHAIRPERSON MULÉ: Thank you, Chris.

5 Does any of our Committee members have any
6 questions?

7 COMMITTEE MEMBER MARIN: No. Not necessarily a
8 question. This is just consolidating. They're not going
9 to do anything different than they've already been doing?

10 MR. DEIDRICK: Well, actually, the three current
11 permits they have consist of an area of 60 acres. So
12 they're expanding from 60 to 97 acres. And then it will
13 all be on one permit. But this is the city of
14 Bakersfield's primary recycling facility.

15 COMMITTEE MEMBER MARIN: Is somebody from
16 Bakersfield here?

17 MR. DEIDRICK: Yes. Kevin Barns is here.

18 COMMITTEE MEMBER MARIN: Good morning, Kevin.

19 You're not going to be doing anything different
20 than you already are. You're just going to be doing it
21 better; right? We want to give you a reason to say you
22 came in and --

23 MR. BARNES: Thank you, Ms. Marin.

24 There's one small difference. Consistent with
25 what the Waste Board has found out, food waste is the next

1 frontier. And we are adding food waste into our
2 successful windrow composting which has been done for
3 nearly 15 years. That's the only significant change.

4 COMMITTEE MEMBER MARIN: You know, when you do
5 this, I really want to come in and take a look at what
6 you're doing.

7 MR. BARNS: Yes. I have an Assistant City
8 Administrator who spent some time somewhere. He's waiting
9 for you to come down.

10 COMMITTEE MEMBER MARIN: I know. I promised him
11 I would do that. We went to Harvard together. He's
12 awesome. I would love to do that.

13 That 30 percent of our waste is organic, and so I
14 need to find out as much as we can how we process, and
15 facilities are taking this on. I really appreciate that.

16 MR. BARNS: Thank you.

17 COMMITTEE MEMBER MARIN: More power to you. Give
18 him my regards, please.

19 MR. BARNS: I will.

20 COMMITTEE MEMBER MARIN: With that, Madam Chair,
21 I move approval of Resolution 2005-92.

22 COMMITTEE MEMBER WASHINGTON: Second.

23 CHAIRPERSON MULÉ: We have a motion by Chairwoman
24 Marin and seconded by Board Member Washington.

25 Please call the roll.

1 SECRETARY DUCLO: Member Washington?

2 COMMITTEE MEMBER WASHINGTON: Aye.

3 SECRETARY DUCLO: Member Marin?

4 COMMITTEE MEMBER MARIN: Aye.

5 SECRETARY DUCLO: Chair Mulé?

6 CHAIRPERSON MULÉ: Aye.

7 Motion passes unanimously.

8 DEPUTY DIRECTOR LEVENSON: Madam Chair, can we
9 have your direction to place that on consent?

10 CHAIRPERSON MULÉ: Yes. That can be placed on
11 consent.

12 Next item is Item D, Howard.

13 DEPUTY DIRECTOR LEVENSON: Item D is
14 Consideration of a Revised Full Solid Waste Facilities
15 Permit for the Benton Crossing Landfill in Mono County,
16 one of our disco permits since it stems from the '70s.
17 Keith Kennedy will make that presentation.

18 CHAIRPERSON MULÉ: Good morning, Keith.

19 MR. KENNEDY: Good morning. Good morning,
20 Committee Chair, members.

21 The current permit for the Benton Crossing
22 Landfill was issued in 1978. Per a former Board Strategic
23 Plan that targeted 69 old permits that needed revisions,
24 the Benton Crossing Landfill, I believe, is one of the
25 final two that remain on the list. The Benton Crossing

1 Landfill is operated by the Mono County Department of
2 Public Works on land owned by the City of Los Angeles
3 Department of Water Power. The landfill is the only
4 remaining disposal site for municipal solid waste within
5 Mono County.

6 The proposed permit revision allows for the
7 following major changes: An expansion of the total
8 acreage from 95 acres to 145 acres. The expansion is
9 necessary in order to provide sufficient soil bar
10 resources to meet daily, intermediate, and final cover
11 needs for the remainder of the facility's life. An
12 increase in tonnage from 10 tons per day to 54,600 tons
13 per year, with a peak of 500 tons per day. 54,600 tons
14 per year averages out to 152 tons per day. Currently, the
15 landfill is averaging 116 tons per day. The 500 tons per
16 day peak is part of an LEA condition in the permit which
17 was included to accommodate waste from occasional large
18 construction projects generated in the town of Mammoth
19 Lakes.

20 The other major changes include a vertical
21 expansion over the existing solid waste footprint. Staff
22 as well as the operator have contacted the Regional Water
23 Quality Control Board regarding this permit revision.
24 They expressed no concerns with the proposed project.

25 And the final two changes are a defined peak of

1 100 vehicles per day, and a change in the hours of
2 operation from 8:30 a.m. to 5:30 p.m. daily, except for
3 Wednesdays, to 7:30 to 5:30 p.m. seven days per week.

4 Each of these changes to the permit are part of a
5 long-term waste management plan by the operator initiated
6 in 2001 that designated the Benton Crossing Landfill as
7 the only site for municipal solid waste within the county.
8 Using a \$5 million Certificate of Participation approved
9 by the Mono County Board of Supervisors in November 2001,
10 the operator converted each of the existing five solid
11 waste landfills within the county so they only accept
12 construction and demolition type waste for disposal and
13 bill transfer stations at each site to handle all MSW
14 received. The MSW is then transferred to the Benton
15 Crossing Landfill for disposal.

16 The increase in total acreage, tonnage, traffic,
17 hours of operation, and the vertical expansion are needed
18 to facilitate all of Mono County's waste being disposed of
19 at this one site.

20 As stated in the agenda item, Mono County
21 Department of Public Works assumed day-to-day operations
22 of the facility in 2001 from the contract operator. The
23 permit revision is only coming to you now because the
24 county focused on resolving the state minimum standard
25 violations and substandard operational conditions

1 inherited from the contract operator of the Benton
2 Crossing Landfill prior to being able to submit a complete
3 permit application package.

4 During this time, the operator was also
5 constructing the five new transfer stations and did manage
6 to revise four of the six permits for the other landfills
7 within the county. The Mono County Planning Department
8 produced a Supplemental Environmental Impact Report for
9 this permit revision. The SEIR identified potentially
10 significant impacts to geology, soils, and visual
11 resources. Changes or alterations have been incorporated
12 into this project which avoid or substantially lessen the
13 significant environmental effects. A mitigation
14 monitoring plan is included in the final SEIR to ensure
15 CEQA compliance during project implementation so that
16 environmental impacts are reduced to a less than
17 significant level. The SEIR was certified by the Mono
18 County Board of Supervisors on April 5th, 2005.

19 Board staff have determined that all of the
20 requirements for the proposed permit have been fulfilled.
21 In conclusion, staff recommends that the Board adopt
22 Resolution 2005-93 concurring with the issuance of Solid
23 Waste Permit Number 26-AA-0004.

24 Mr. Evan Nikerk, who is the Mono County Public
25 Works Director, he's the person who almost single-handedly

1 took on all of the waste management issues within the
2 county. He's here today, along with Jim Goodloe, the LEA
3 for the county. And I would also be happy to answer any
4 questions that you may have.

5 CHAIRPERSON MULÉ: Thank you very much.

6 Any questions?

7 COMMITTEE MEMBER MARIN: I do, Madam Chair.

8 I was very concerned with the number of
9 violations in the permit and the State Minimum Standards
10 violations that this particular facility has been
11 subjected to. It's interesting. It says here that should
12 the Board concur in the issuance of the new permit, all
13 the violations will cease. And specifically why?

14 MR. KENNEDY: The current violations that they're
15 receiving are PRC violations, because the permit is out of
16 date. So those violations, if the permit is concurred on,
17 will automatically disappear.

18 COMMITTEE MEMBER MARIN: Why didn't we notice
19 this four years ago? Why didn't we update the permit four
20 years ago or three years ago or two years ago or last
21 year?

22 MR. KENNEDY: It's really been a long process in
23 Mono County to get this facility up to 21st century, 22nd
24 century operating conditions. When I first went there in,
25 I think, the year 2000, this facility was run as a dump.

1 Now it's run as a sanitary landfill.

2 COMMITTEE MEMBER MARIN: Maybe there is somebody
3 here from that facility.

4 CHAIRPERSON MULÉ: Howard, do you want to address
5 the issue with the LEA and where we're at with all that?

6 DEPUTY DIRECTOR LEVENSON: We might want to have
7 the operator and the LEA also speak to this.

8 But this has been a longstanding issue. And I
9 think as Keith explained, there's been a number of
10 different facilities that had to be brought through a
11 revision process to become transfer stations before we
12 could get this permit to you. The idea here is to have
13 Benton Crossing be the regional landfill. The LEA has
14 been under a Corrective Action Work Plan as part of our
15 LEA evaluation process. And some of the milestones in
16 that Correction Action Work Plan were to get all of the
17 permits revised, including the transfer stations, and to
18 bring this permit up to date through a final revision. So
19 this is the culmination of four or five years worth of
20 work with the LEA and the County.

21 It was also contingent upon, or critically
22 needed, the Certificate of Participation the County passed
23 in 2001 to provide the moneys to make the transitions to
24 the transfer stations and to upgrade the landfill. So
25 you're seeing it at the end of the process, but it has

1 been a long multi-step process.

2 COMMITTEE MEMBER MARIN: So who's here from that
3 facility?

4 Thank you for coming. I'm sure it's been an
5 arduous process. And your name?

6 MR. NIKERK: Evan Nikerk, Mono County Public
7 Works Director.

8 COMMITTEE MEMBER MARIN: Excellent. Thank you so
9 very much for everything that you have done. I don't know
10 the history. I only read what has transpired, and I'm
11 thinking, why couldn't we have done this earlier? Because
12 anybody that looks at this report the way I'm looking at
13 it, I'm thinking, oh, my God. It's just violations left
14 and right.

15 MR. NIKERK: Right. And as Mr. Kennedy
16 indicated, the violations over the last three years have
17 been related to the significant change and the out-of-date
18 permit. Issues like litter and grading have been
19 resolved. When we took over the landfill in March of
20 2001, it was because the contract operator wasn't meeting
21 State Minimum Standards. There were repeated violations
22 of grading, litter, intermediate cover, that sort of
23 thing.

24 The County took it over, and we had a two-year
25 process where we were trying to get the site in shape,

1 doing the proper grading, doing the proper cover, in
2 addition to developing the gate fee schedule necessary to
3 support the bonds that were issued, or Certificates of
4 Participation. And then we underwent -- it has to be
5 taken in the context of the overall program. We
6 constructed six new transfer stations over the last four
7 years, three-and-a-half years. And with the bond, we also
8 purchased equipment necessary to run the landfill
9 properly. And our next step will be to close three of our
10 rural landfills using the bond proceeds. So I guess what
11 I'm saying is it needs to be taken in its proper context,
12 not site-specific, but program-specific.

13 COMMITTEE MEMBER MARIN: Well, thank you. I
14 really appreciate it. And I love the fact that once we
15 give you this permit, there will be absolutely no
16 violations. I don't want next month to see these
17 violations. No. I'm kidding.

18 Thank you for coming, and thank you for the work
19 you have done.

20 You know, my point is more for our own processes.
21 If we know there is something happening, is there anything
22 we can do to get ahead of the curve, get ahead of the
23 ball. Because, you know, we should be working with you
24 diligently, with the LEAs, and with the particular
25 facilities so that nobody reads a report that has year

1 after year after year after year violations. It's more
2 for us than for you.

3 MR. NIKERK: And staff has been very helpful,
4 very understanding, very cooperative in helping us through
5 this process. It has been a long time coming, but
6 hopefully this is the last feather in our cap.

7 COMMITTEE MEMBER MARIN: And thank you for
8 coming.

9 CHAIRPERSON MULÉ: Thank you, Evan.

10 I think this is a success to show that when we
11 have all parties working together on this long -- this was
12 a long-term plan. I mean, it took nearly four years to
13 get to where we're at. And as you said, Evan, it's a
14 step-by-step process that we needed to take to get to
15 where we're at today. So I can appreciate all the hard
16 work you've done. Thank you.

17 Mr. Washington, you had a question.

18 COMMITTEE MEMBER WASHINGTON: Yes. Thank you,
19 Madam Chair.

20 I had a couple questions, probably for the LEA,
21 in terms of the public hearing process on this item.

22 MR. GOODLOE: Good morning. I'm Jim Goodloe,
23 LEA, Mono County.

24 COMMITTEE MEMBER WASHINGTON: I noticed that you
25 guys had a couple public hearings on this.

1 MR. GOODLOE: Yes.

2 COMMITTEE MEMBER WASHINGTON: And we didn't get
3 the time of your first one. But I understand the second
4 one you had around the 5th of January, and you had it
5 around 2:00 p.m.; is that correct?

6 MR. GOODLOE: I'm going to have to confer --
7 January 5th. That's correct.

8 CHAIRPERSON MULÉ: That's what's in our agenda
9 item.

10 MR. GOODLOE: We did that jointly with the other
11 landfills.

12 COMMITTEE MEMBER WASHINGTON: When I was a member
13 of this Committee before, I had raised some concerns about
14 holding these hearings at a time -- what's the population
15 of the people around this landfill?

16 MR. GOODLOE: Around the landfill?

17 COMMITTEE MEMBER WASHINGTON: Yeah. Around the
18 area. I have never been to Mono County.

19 MR. GOODLOE: Within a ten-mile radius around the
20 landfill, there's no permanent population to speak of.
21 There's a seasonal campground. That's about it.

22 COMMITTEE MEMBER WASHINGTON: Okay. So in that
23 area, what type of public hearing? Was it a planning and
24 commissioning hearing that you used for your public
25 hearing?

1 MR. GOODLOE: No. I believe we just advertised
2 in the paper as it's a requirement of recent legislation.
3 We just used an advertisement in the local area in the
4 newspaper.

5 COMMITTEE MEMBER WASHINGTON: And with the
6 timing, 2:00 p.m., as you know, most people are at work
7 from 9:00 to 5:00. I would think it would be difficult
8 for people to get there at 2:00 p.m. if they work from
9 9:00 to 5:00. Why didn't you use a time where people were
10 off of work to get to the hearing?

11 MR. GOODLOE: I think there were other public
12 hearings as well as that one. That one just happened to
13 work for us. I think there were planning public
14 hearings --

15 COMMITTEE MEMBER WASHINGTON: Those are at 9:00
16 in the morning.

17 MR. GOODLOE: Evan might respond to that.

18 MR. NIKERK: Thank you, Mr. Washington.

19 Prior to the LEA conducting their public hearing,
20 I ran the EIR and the concept of the revised permit
21 through what the county calls Regional Planning Advisory
22 Committees, RPACs. And the Long Valley RPAC, where the
23 site is located, conducted two agenda items that were
24 held, two agenda items, and those are typically held in
25 the evening. One was in September and one in November.

1 And those are geared specifically toward soliciting input
2 from the community on county activities.

3 COMMITTEE MEMBER WASHINGTON: So there were two
4 meetings held?

5 MR. NIKERK: That's correct. One was in
6 September, which was kind of a heads-up.

7 COMMITTEE MEMBER WASHINGTON: I couldn't get that
8 information when we were doing research on this. So I
9 apologize. No one gave us the information, because I was
10 specific in asking the questions as to what time. It only
11 gave me one hearing before. And they said those are the
12 only hearings we know about. So I didn't know you had two
13 other hearings.

14 That was specifically toward the increase, and it
15 was spelled out that we're going to increase the tonnage,
16 we're going to increase -- all this stuff that's spelled
17 out at those two meetings?

18 MR. NIKERK: That's correct. In addition, we
19 also held a scoping meeting for the EIR. But I guess that
20 goes to your concerns. It was conducted during the
21 daytime. The evening meetings from the RPAC were
22 essentially the same sort of thing, you know, the County
23 outlining what the plan or what the project was as far as
24 expansion of the property boundaries and vertical
25 expansion over the existing footprint to address the

1 updated permit.

2 COMMITTEE MEMBER WASHINGTON: Thank you.

3 MR. NIKERK: In addition, Public Works conducts
4 monthly, and in 2004 they were bimonthly, Local Solid
5 Waste Task Force meetings. And that's been a continuing
6 agenda item. Again, that's noticed to the public. The
7 agenda is posted publicly as well. However, again,
8 speaking to your concern, it's conducted at 9:30 in the
9 morning.

10 COMMITTEE MEMBER WASHINGTON: And, certainly, you
11 know, again, I just, you know, simply ask if you can do
12 these hearings to make sure that, you know, folks have an
13 opportunity to participate in the public process of
14 these -- increase of these facilities, that we try to do
15 them at a time where people can really be a voice, if
16 there's concerns. Because what we don't like is for a
17 group of homeowners to come up here and blindside you guys
18 saying, "Hey, we never knew they held the meeting." We
19 try to avoid that.

20 I think, Mr. Levenson, we have talked about at
21 some point having these hearings at appropriate times of
22 the day where people can participate.

23 DEPUTY DIRECTOR LEVENSON: We certainly encourage
24 the LEAs in the evening, particularly when there's known
25 opposition or anticipated opposition. There's nothing in

1 statues or regulations that requires that at this point.

2 COMMITTEE MEMBER WASHINGTON: Thank you. Thank
3 you, sir.

4 CHAIRPERSON MULÉ: Thank you.

5 Any other questions?

6 COMMITTEE MEMBER MARIN: I'd like to move the
7 item, 2005-93.

8 COMMITTEE MEMBER WASHINGTON: Revised. Second.

9 CHAIRPERSON MULÉ: Chairwoman Marin moved and
10 Board Member Washington seconded. And we can substitute
11 the previous roll on that. And this item could be
12 considered for consent agenda as well.

13 Our next item is Item E.

14 DEPUTY DIRECTOR LEVENSON: This is the last of
15 our permit items today. This is Consideration of a
16 Revised Full Solid Waste Facilities Permit for the Avenal
17 Regional Landfill in Kings County. Virginia Rosales will
18 give that presentation.

19 CHAIRPERSON MULÉ: Good morning, Virginia.

20 MS. ROSALES: Good morning, Madam Chair and
21 Committee members.

22 The Avenal Regional Landfill is owned by the City
23 of Avenal and operated by the Madera Disposal Systems,
24 Incorporated, a subsidiary of the Waste Connections.

25 The proposed permit will allow for the following:

1 Expand the disposal footprint from 87 acres to 123.2
2 acres; increase the hours of operation to 24 hours per
3 day, 7 days per week; increase the tonnage from 475 tons
4 per day to 6,000 tons per day; increase the elevation from
5 1090 feet to 1,300 feet; increase the remaining refuse
6 capacity from 5.96 million cubic yards to 26 million cubic
7 yards; specify the maximum traffic volume to be 306
8 vehicles per day, no more than 40 transfer trucks per
9 hour, and 60 employee vehicles per day; change the
10 estimated closure year from 2028 to 2020.

11 At the time this item was prepared, staff had not
12 completed their review of the reported disposal site
13 information dated November 2004. Since then, staff have
14 determined that the RDSI meets the requirements of Title
15 27. The agenda item posted on the Board's website has yet
16 to be updated, but this will occur within the next day or
17 so.

18 Board staff have determined that all the
19 requirements for the proposed permit have been fulfilled,
20 and the updated agenda item will reflect this. However,
21 the City of Avenal, acting as the lead agency, prepared an
22 Environmental Impact Report which was circulated during
23 June and July 2004. The EIR identified significant and
24 unavoidable environmental impacts to air quality,
25 requiring a Statement of Overriding Consideration.

1 The City of Avenal Planning Commission found the
2 unavoidable significant effects are acceptable due to the
3 overriding considerations, which are listed in your agenda
4 item as Attachment 4.

5 A final EIR was certified, and the Statement of
6 Overriding Considerations and a Mitigation Monitoring Plan
7 was adopted by the City of Avenal Planning Commission on
8 September 9th, 2004.

9 A Notice of Determination was filed with the
10 Office of Planning and Research on September 23rd, 2004.
11 The Notice of Determination indicated that the project
12 would have a significant effect on the environment and
13 that a Statement of Overriding Considerations was adopted
14 for the project.

15 Board staff finds that the EIR, along with the
16 Statement of Overriding Considerations and the Mitigation
17 Monitoring Plan, are adequate for the Board's
18 environmental evaluation of this proposed project.
19 Therefore, Board staff recommends that the Board adopt
20 Resolution Number 2005-94, concurring with the issuance of
21 the Solid Waste Facilities Permit Number 16-AA-0004, if
22 the Board adopts the lead agency's Statement of Overriding
23 Considerations as its own.

24 This concludes staff's presentation. Tom Riley
25 representing the operator; Troy Hommerding, representing

1 the Kings County LEA; and Steven Sopp representing the
2 City of Avenal's Planning Department are here today and
3 available to answer questions.

4 CHAIRPERSON MULÉ: Thank you very much.

5 Do we have any speaker slips? No.

6 Do we have any questions?

7 Board Member Washington.

8 COMMITTEE MEMBER WASHINGTON: Yes. I found it
9 strange. And I guess I'm wondering what type of notice
10 was sent out, because this is a proposal that potentially
11 has said it could cause cancer, and there was no public
12 opposition to this. Who wrote you guys' notice on this?

13 MS. ROSALES: Well, the notice was sent. It was
14 in both English and Spanish, and I'll ask Mr. Sopp to come
15 up and address the hearing more.

16 COMMITTEE MEMBER WASHINGTON: Maybe he knows
17 something I don't know. If that was down in Los Angeles,
18 you'd have had thousands of people lined up.

19 MR. SOPP: My name is Steven Sopp. I'm the
20 Community Development Director for the City of Avenal.

21 To understand this project, you need to know that
22 this landfill was established in 1920-something when
23 Chevron ran the City of Avenal. We're an oil boom town.
24 And Joe came in with a load of garbage and said, "Where do
25 I put it, Boss?" And the boss said, "Over there." That's

1 how the landfill got started. The city grew up around the
2 landfill. The landfill has always been there.

3 And I can tell you that we noticed all of our
4 meetings in English and Spanish. We held a scoping
5 meeting/let the applicant come in and demonstrate what
6 they can do with the landfill. Nobody came. The press
7 came. We have two papers. We had two study sessions with
8 our Planning Commission. We're going over all of the
9 environmental impacts. Nobody came. Of course, the
10 public hearing, we held those at 6:00 p.m. in the evening.
11 All the meetings were in the evening, et cetera.

12 And I guess the town grew up around Avenal, so
13 it's there, and people know it's there. And we've never
14 really had any major effects from the landfill. I think
15 our major effect is traffic coming up the hill out of the
16 valley, and that would be it.

17 COMMITTEE MEMBER WASHINGTON: All right. Thanks.

18 MR. SOPP: Yes, sir.

19 CHAIRPERSON MULÉ: Any other questions, Mr.
20 Washington?

21 COMMITTEE MEMBER WASHINGTON: No, Ma'am.

22 CHAIRPERSON MULÉ: Chairwoman Marin.

23 COMMITTEE MEMBER MARIN: No.

24 CHAIRPERSON MULÉ: I do have a few questions.

25 First of all, if you're operating 24/7, I don't

1 know who could answer this. It's kind of technical. What
2 happens with daily cover? I mean, are you literally
3 operating 24 hours a day? Are you actually putting solid
4 waste on the face of the landfill 24 hours a day? Or how
5 is that going to work? And will you have trucks coming in
6 literally 24 hours a day? So if someone can answer that.

7 MR. SCHREIBER: Hello. My name is Scott
8 Schreiber. I'm Director of the Landfills for Waste
9 Connections. I've been one of the leaders on this project
10 all along.

11 The answer to your question is you need to
12 understand the whole process we went through here. Back
13 in 2001, the City of Avenal found itself at a loggerhead
14 to where they couldn't make the landfill work financially.
15 They couldn't afford to close the landfill. So they were
16 really kind of stuck. So what they did is went through an
17 RFP process to go out and find a partner who would come in
18 and take over the landfill operation, work hand in hand
19 with them, and develop the facility. Make it into a real
20 asset for the community.

21 And Avenal is a small enough community so
22 everyone knows each other by name, which is part of the
23 reason why I think there's no opposition of any kind.

24 One of the things we promised the city we would
25 do is we would try to fully develop the site, and to make

1 it of use really on a region-wide basis. We've already
2 begun transferring waste in from Amador County. Much of
3 the waste is coming from Fresno County and such.

4 The answer in daily cover is we will cover once a
5 day. And, really, what happens is the face moves
6 throughout the day. So we'll cover the face as it moves.
7 But at any one point in time during the day, we don't
8 expect all the time we're going to operate 24 hours a day.
9 We really are just looking for the flexibility to be able
10 to do so. Because 10 years from now, 15 years from now,
11 where the waste may be coming from, it could be coming
12 from far way, and it may make more sense for traffic for
13 it to come at night.

14 CHAIRPERSON MULÉ: Okay. Thank you.

15 COMMITTEE MEMBER MARIN: Let me just ask Howard,
16 how many permits do we have that are 24/7? Is there
17 anybody that has that?

18 DEPUTY DIRECTOR LEVENSON: There are operations
19 that have that. I don't know how many. But there are
20 certain landfills. Altamont is one. El Sobrante is
21 another, that is 24/7. There are others, but I don't know
22 the number offhand.

23 COMMITTEE MEMBER MARIN: That's fine. I just
24 want to make sure that we are not -- I'm always a little
25 bit hesitant to set precedent. So if this is something

1 that we have under certain conditions granted to other
2 facilities, I don't have a problem with that.

3 CHAIRPERSON MULÉ: And I think the clarification
4 that I was looking for -- for example, I know that El
5 Sobrante Landfill in Riverside County has a 24-hour
6 permit, but they do not accept waste between the hours of,
7 you know, midnight and 4:00. And they use that -- they
8 actually cover the landfill. And then they, you know,
9 shut down operations, do whatever maintenance they need to
10 do, and then open up again. So I was just wondering how
11 your operation would work.

12 MR. SCHREIBER: We also would expect to be
13 something between an 18- to 20-hour a day operation, but
14 we're not sure which 18 to 20.

15 CHAIRPERSON MULÉ: And, again, I just wanted to
16 make sure the public understands that you're not going to
17 have trucks coming in 24 hours a day.

18 MR. SCHREIBER: Right.

19 COMMITTEE MEMBER MARIN: And one more question.
20 Actually, I did have one when I looked at it. I know you
21 mentioned that the report of disposal site information had
22 not been received. But we did receive it; right?

23 MS. ROSALES: It was received. I just had not
24 completed my review.

25 COMMITTEE MEMBER MARIN: Because what we have in

1 our paperwork is it hasn't been received. That just needs
2 to be noted.

3 CHAIRPERSON MULÉ: Our agenda item hasn't been
4 updated yet. Our agenda we have is not updated yet.

5 MS. ROSALES: That's correct, yes.

6 COMMITTEE MEMBER MARIN: With that, I move
7 approval.

8 CHAIRPERSON MULÉ: Wait. I have another
9 question.

10 Howard, I really would like for you to go over
11 the Statement of Overriding Considerations, because there
12 are some significant impacts here. And I just want to
13 make sure that they've been addressed. Thank you.

14 DEPUTY DIRECTOR LEVENSON: Certainly, Madam
15 Chair.

16 As the item indicates on page 6, the EIR
17 identified a number of significant environmental impacts.
18 Most of those impacts can be mitigated to below the level
19 of significance. And we do need to revise one of the
20 whereases in the agenda in the Resolution to reflect that
21 particular fact.

22 But even with those mitigations, there are still
23 some significant and unavoidable environmental impacts,
24 particularly as was mentioned with respect to air quality,
25 long-term air pollutant criteria, air pollutants, human

1 health risks, and cumulative impacts.

2 The City did adopt the Statement of Overriding
3 Considerations, which is included as Attachment 4. It
4 lists a number of different considerations that the City
5 relied on in adopting that Statement, including regional
6 disposal capacity, economic benefits to the city,
7 optimizing fill space, and capitalizing on prior
8 investments made to the City at that particular site.

9 The Board has to adopt a Statement of Overriding
10 Considerations. Either it can adopt the lead agency's, or
11 it can develop its own statement if it wishes to proceed
12 further and concur in the issuance of this permit.

13 I do want to point out we've had a Statement of
14 Overriding Considerations in several instances. The most
15 recent was Gregory Canyon Landfill several months ago
16 where we had quite a discussion about that. That was
17 quite a different situation. As you may recall, we had a
18 concern about the original Statement of Overriding
19 Consideration because it only focused on landfill
20 capacity. That was also developed by the LEA, which in
21 that case was the lead agency due to the propositions that
22 had been passed in the country.

23 In this case, we have the locally-elected body of
24 officials, the City Council, the City adopting the
25 Statement of Overriding Considerations. That's an

1 important consideration in our taking a look at this.

2 As I indicated, the Statement of Overriding
3 Considerations covers a range of factors that are of
4 importance to the City. There's also, we notice, some
5 comments at the 1497 hearing, and there's no significant
6 opposition we're aware of. So those factors taken as a
7 whole led us to conclude the Statement of Overriding
8 Considerations was adequate for the Board's use, and we
9 recommend your adoption of it.

10 That is outlined in the last whereas of the
11 Resolution, particularly the last couple of lines that the
12 Board -- we recommend the Board hereby adopt the findings
13 as its own findings for each significant environmental
14 effect and adopt the Statement of Overriding
15 Considerations as its own Statement of Overriding
16 Considerations.

17 CHAIRPERSON MULÉ: Thank you, Howard.

18 Do you have any other questions?

19 COMMITTEE MEMBER MARIN: No.

20 CHAIRPERSON MULÉ: Okay. Do I hear a motion?

21 COMMITTEE MEMBER MARIN: Is this a two-part
22 process where we accept the overriding considerations, or
23 is it just one?

24 STAFF COUNSEL BLEDSOE: It has been the most
25 recent Board's practice to adopt them in a single

1 Resolution.

2 COMMITTEE MEMBER MARIN: Okay. So then --

3 DEPUTY DIRECTOR LEVENSON: Just for the record,
4 Madam Chair and Board members, we will revise this
5 Resolution. The whereas phrase at the top of page 2, we
6 do need to revise that to reflect that most of the impacts
7 identified in the EIR can be mitigated. And then we will,
8 depending on your actions today, revise the rest of the
9 Resolution.

10 CHAIRPERSON MULÉ: We would move to approve a
11 revised Resolution 2004-94; correct?

12 COMMITTEE MEMBER MARIN: And it will be ready by
13 the Board meeting?

14 DEPUTY DIRECTOR LEVENSON: Yes.

15 CHAIRPERSON MULÉ: So can we adopt it now?
16 Looking at Legal. Yes.

17 Do I have a motion?

18 COMMITTEE MEMBER MARIN: You have a motion, Madam
19 Chair, for adoption of Resolution 2005-94 revised.

20 COMMITTEE MEMBER WASHINGTON: Second.

21 CHAIRPERSON MULÉ: I have a motion to approve
22 from Chairwoman Marin, seconded by Board Member
23 Washington. And we'll substitute the previous roll. And
24 this one I think we'll move on to the full Board with the
25 revised. We'll review the revised resolution and make

1 sure that it included the wording that we need to have.

2 DEPUTY DIRECTOR LEVENSON: We'll make a shorter
3 presentation at the Board meeting, but we'll have the
4 revised Resolution tomorrow, hopefully posted by tomorrow
5 afternoon.

6 CHAIRPERSON MULÉ: Thank you, Howard.
7 The next is Item F.

8 DEPUTY DIRECTOR LEVENSON: Consideration of the
9 Grant Awards for the Farm and Ranch Solid Waste Cleanup
10 and Abatement Grant Program, Fiscal Year 2004-2005.

11 Carla Repucci, who does all the work -- not all
12 the work. Wes and Scott do a lot of work. But she does
13 the primary work. But she's sick today, so Wes Mindermann
14 is going to provide the presentation.

15 SUPERVISOR MINDERMAN: Good morning, Madam Chair
16 and members of the Committee.

17 Item F before you this morning is for
18 consideration of the two applications for the Farm and
19 Ranch Solid Waste Cleanup and Abatement Grants. You may
20 recall the Farm and Ranch Grant Program provides grant
21 funds to local governments, resource conservation
22 districts, and Native American tribes to clean up illegal
23 disposal sites on agricultural property.

24 To update you on the status of the trust fund, as
25 of today, there are approximately \$521,000 remaining for

1 this fiscal year. The amount requested for these
2 applications totals approximately \$125,000, and represents
3 the third of four awards for this fiscal year. Approval
4 of these applications as recommended will leave
5 approximately \$396,000 remaining in the trust fund for the
6 final grant cycle.

7 The applications have been reviewed for
8 eligibility, scored, and are being recommended by staff
9 for approval today. In addition, both applications
10 included measures to prevent waste from being deposited on
11 the sites again. These measures include posting of signs,
12 gates, fencing, planting of vegetative barriers, and
13 increased surveillance.

14 I do need to point out there is one correction in
15 your agenda item. It's relatively minor. But under Key
16 Issues and Findings, staff had indicated that the amount
17 being requested for cleanup was \$128,436. The correct
18 amount is \$128,796. All the other information in the
19 agenda item and Resolution is correct.

20 In conclusion, staff are recommending that the
21 grants included in the agenda item to Humbolt County and
22 the Trinity County Resource Conservation District be
23 awarded by the Board. That concludes my presentation.
24 I'd be happy to answer any questions.

25 CHAIRPERSON MULÉ: Thank you.

1 First of all, in my Resolution -- I don't know if
2 there is a revision -- but the total amount is \$125,337.

3 SUPERVISOR MINDERMAN: Right. That is the
4 correct amount for the award. The error was on the amount
5 requested. And there were some revisions in that.

6 CHAIRPERSON MULÉ: Got it. Thank you.

7 Are there any questions?

8 COMMITTEE MEMBER MARIN: I do, Madam Chair.

9 Now, these grants, we don't get any recovery, do
10 we? These are grants. That's what they're called.

11 SUPERVISOR MINDERMAN: That is correct. They
12 are grants, and there is no cost recovery.

13 COMMITTEE MEMBER MARIN: Now my question is
14 that one in particular -- I don't mind the ones where the
15 federal government or the state has a stake in it. But
16 the private locations, I mean, this is trash, and they're
17 private property. And we're going to clean it up, and
18 there is absolutely no benefit.

19 SUPERVISOR MINDERMAN: That's correct. I think
20 the answer to your question, you have to go back to what
21 was the intent of the original legislation, which was SB
22 1330. And this was intended to be a program to relieve
23 agricultural property owners who were getting dumped on
24 illegally.

25 At that time, the Legislature found there was a

1 significant problem in the agricultural areas of
2 California with illegal dumping on these properties. And
3 so they created this program which is essentially a gift
4 of public funds to go in and help these owners clean up
5 that property at no cost to them. And to take it a step
6 further, as part of the application, we get an affidavit
7 from the property owners saying they were not responsible
8 for the illegal dumping and they did not authorize it.

9 COMMITTEE MEMBER MARIN: Well, I hope that is
10 true. I can only hope that that is true in these
11 particular cases. I'm sure it is true.

12 I'm a little stingy when it comes to a gift of
13 public funds. And if I can recover, I know my legal staff
14 is always concerned how are we going to get this money
15 back. But I appreciate the intent. I just think there
16 will certainly be a value added to that property owner
17 once it gets cleaned up, and there is no benefit to us.

18 Now, this is coming out of the Farm and Ranch
19 Grants, even though there is quite a few tires there. So
20 where's Terry Leveille? Would you let him know that?

21 DEPUTY DIRECTOR LEVENSON: I'll let Terry know.
22 This is typical of a lot of the Farm and Ranch Grants
23 where there are tires that are on site. Sometimes it's a
24 lesser amount. And sometimes it's fairly substantial.

25 COMMITTEE MEMBER MARIN: Okay.

1 CHAIRPERSON MULÉ: Any other questions?

2 COMMITTEE MEMBER MARIN: He's probably listening.

3 CHAIRPERSON MULÉ: I'm sure he is.

4 With that, do I have a motion for approval?

5 COMMITTEE MEMBER MARIN: Yeah. You have a motion
6 of Resolution 2005-95.

7 Now, this one has the correct -- the grantee
8 requested properly?

9 SUPERVISOR MINDERMAN: That is correct. The
10 information in the Resolution is correct.

11 COMMITTEE MEMBER WASHINGTON: Second.

12 CHAIRPERSON MULÉ: I have a motion to approve and
13 a second. We'll substitute the previous roll. And since
14 this is fiscal consent, we'll put this on the full Board
15 agenda for fiscal consent.

16 Thank you very much, Wes.

17 DEPUTY DIRECTOR LEVENSON: Item G, Board Item 16,
18 Consideration of Approval of Landfill Closure Loan Program
19 Loans. This is from the Integrated Waste Management
20 Account, Fiscal Year 2004-05. This has been an evolving
21 item.

22 Bridget Brown is going to make the presentation.
23 There have been a number of changes. There was a revised
24 item that was provided to you Friday, I believe --
25 Thursday or Friday.

1 CHAIRPERSON MULÉ: Yes, we did receive that.

2 BRANCH MANAGER VLACH: Good morning, Madam Chair
3 and Committee members. My name is Bernie Vlach. I just
4 wanted to make a few comments before Bridget goes through
5 the current set of loan applications.

6 This is a new program, something that you haven't
7 seen before. It's a first time thing. It's actually, if
8 you look at the genesis of this program, it goes back to
9 the State Audit Report in 2001. And the State Auditor
10 found there were a number of landfills that wanted to
11 close early, but they're actually in some cases being
12 forced to close because of some environmental problems.
13 And because they had originally planned on stocking away
14 their closure funds over a longer period of time, when
15 they were put in that position, they needed some
16 assistance.

17 So there was a Legislator, Assemblywoman
18 Strom-Martin, who proposed Assembly Bill 467 in 2002 which
19 was passed into law. And it authorized the Board to make
20 these kinds of loans. The legislation didn't provide any
21 additional funds, no additional spending authority for the
22 Board. So the Board is using -- the Executive Director
23 can find within the Board's budget funds for this purpose
24 and has budgeted, with the Board's approval, \$640,000 for
25 that purpose this fiscal year. But it's the kind of

1 program where we don't have a separate fund set for these
2 loans. We have to use IWMA money within the fiscal year.
3 If we don't, the loans aren't made, the money reverts back
4 to the IWMA and there's no additional spending authority.
5 That's sort of the background of the program.

6 And so we actually started the program, the NOFA,
7 in January. Kind of short notice on this one, because
8 it's the first time. And then so Bridget will let you
9 know about what response we had to this Notice of Funds
10 available for this purpose.

11 CHAIRPERSON MULÉ: Thank you.

12 Good morning, Bridget.

13 (Thereupon an overhead presentation was
14 presented as follows.)

15 MS. BROWN: Good morning, Madam Chair and
16 Committee members.

17 The Board is authorized to award interest-free
18 loans to operators of unlined older technology landfills
19 who desire to close early to avoid or mitigate potential
20 environmental problems caused or threatened by continued
21 operation of the site.

22 The Landfill Closure Loan Program received
23 \$640,000 from the Integrated Wasted Management Account for
24 the 2004-2005 fiscal year cycle. Loan amounts are limited
25 by statute to no more than \$500,000 per borrower. The

1 Notice of Funding Availability for the cycle was placed on
2 the Board's website and sent to over 600 interested
3 parties on January 19th, 2005. Program staff received
4 three applications requesting funds amounting to \$968,000.

5 --o0o--

6 MS. BROWN: The Landfill Closure Loan Program
7 Review Panel reviewed the applications using the program
8 scoring criteria, and all three applications qualified for
9 funding under the program regulations which became
10 effective on June 17th, 2004. The Review Panel then
11 scored and ranked the application requests based upon the
12 number of priority points as described in statute and
13 regulation.

14 Board staff recommend fully funding the Landfill
15 Closure Loan Program application for the City of Portola
16 Landfill for a total of \$168,000 from fiscal year
17 2004-2005 funds based upon Portola's passing score and the
18 priority points ranking. Because the two remaining
19 applications require additional staff review, Board staff
20 recommends that staff continue working with Imperial and
21 Toluene Counties so their applications can be considered
22 at a subsequent meeting this current fiscal year.

23 Board staff recommends approval of Board
24 Resolution Number 2005-96 revised, Consideration of
25 Approval of Landfill Closure Loan Program Applications,

1 IWMA, Fiscal Year 2004-2005.

2 This concludes my presentation.

3 CHAIRPERSON MULÉ: Thank you, Bridget.

4 We do have one speaker. Mr. Larry Sweetser, if
5 you could come up, please.

6 MR. SWEETSER: Larry Sweetser on behalf of the
7 Rural Counties Environmental Services Joint Power
8 Authority.

9 I want to say thank you on behalf of the Rural
10 Counties for the Loan Program. I was glad to see like we
11 promised that some of the counties would come forth with
12 applications. We had three. There's not enough money for
13 all of them. If you should find more money and want to
14 put it this way, we'd appreciate it, too.

15 We also want to let you know that we have a
16 number of counties waiting in the wings for next year,
17 should you subscribe the program. And just want to thank
18 you for that. It's going to go a long way in helping some
19 of these landfills. Thank you.

20 CHAIRPERSON MULÉ: Thank you, Larry.

21 Do we have any questions for Larry?

22 Do we have any questions on the item from our
23 Board members?

24 DEPUTY DIRECTOR LEVENSON: Madam Chair, I just
25 want to indicate, just reiterate we will continue to work

1 with the other two applicats. And if their applications
2 are ready, we will bring that to you in June, which would
3 still be in time to encumber the funds.

4 COMMITTEE MEMBER MARIN: Do you know where in
5 Imperial County? I was trying to figure it out which one
6 is the --

7 DEPUTY DIRECTOR LEVENSON: It's Palo Verde. It's
8 outside of the city of Brawley.

9 BRANCH MANAGER VLACH: I'm not sure where it is.

10 COMMITTEE MEMBER MARIN: I might have been -- it
11 might be the one I went to visit.

12 DEPUTY DIRECTOR LEVENSON: I know there's a city
13 landfill. And we can get the information to you.

14 COMMITTEE MEMBER MARIN: But this one is county.
15 I believe so. I need to talk to you about that one. But
16 I'm supportive of it. So I just need to see what we're
17 going to do on top of closing it. Because I know the one
18 I went to visit, and I don't remember the name right now,
19 they were talking about closing it. So this is good. And
20 the interest-free loan, that's good. This should get them
21 to want to do it sooner rather than later, and that's
22 good.

23 Okay. Are you ready for a motion, Madam Chair?

24 CHAIRPERSON MULÉ: Yes, I am.

25 COMMITTEE MEMBER MARIN: Okay. I move approval

1 of Resolution 2005-96, revised.

2 COMMITTEE MEMBER WASHINGTON: Second.

3 CHAIRPERSON MULÉ: I have a motion from
4 Chairwoman Marin and seconded by Board Member Washington.
5 And we'll substitute the previous roll. And I believe
6 this will go on fiscal consent as well to the full Board.

7 Thank you, Bernie. Appreciate it.

8 Our next item is Item H.

9 DEPUTY DIRECTOR LEVENSON: Item H. We have two
10 items left. Item H is Discussion of and Request for
11 Direction on the Board's Role in Broader Local Enforcement
12 Agency and Facility Operator Training. This is going to
13 be presented by Mindy Fox of our LEA Training Section.

14 CHAIRPERSON MULÉ: Good morning, Mindy.

15 (Thereupon an overhead presentation was
16 presented as follows.)

17 SUPERVISOR FOX: Good morning, Board members.
18 Happy to see you.

19 --o0o--

20 SUPERVISOR FOX: As Howard mentioned, for the
21 record, I'm Mindy Fox. I manage the LEA Training and
22 Outreach Section in the P&E Division. I'm here today to
23 discuss where we've been with LEA and operator training
24 and what the possibilities for the future look like.
25 While describing this, I'm going to cover the separate but

1 very related topics of the four-year Landfill Operations
2 Training Program, the Pilot Program, and the LEA Training
3 Program, because both are being conducted simultaneously.
4 They're both very related and both linked to whatever
5 happens next.

6 The Board has a long history of training LEAs and
7 operators occasionally. But over the years, the numbers,
8 types, and complexities of the solid waste facilities
9 regulated by the Board have increased dramatically. This
10 is due to the development of numerous reg packages that
11 you've seen a lot of them, CDI, organics, materials, that
12 kind of thing. And the Board has not commensurably
13 increased resources devoted to training as these reg
14 packages have kind of come down on everybody. And funding
15 has remained static.

16 So we're here today to seek direction from the
17 Committee regarding the Board's role in broader training
18 efforts for LEAs and operators, and to discuss the issue
19 of should mandatory certification be required.

20 --o0o--

21 SUPERVISOR FOX: I'm going to provide you with a
22 bit of history and context related to both these programs,
23 okay.

24 In 1996, the Board entered into a partnership
25 with CCDH and EAC to implement a formal training program.

1 This led to permanent funding of the LEA Training Program
2 out of a portion of the LEA grant dollars. The amount was
3 set at 96,000. It's remained right there, and it was
4 obtained through a BCP in 1998.

5 In 1999, the Board embarked on a four-year Pilot
6 Landfill Operations Training Certification Program. And
7 then signed an MOU with SWANA in 2000 to implement the
8 program. The intent of the pilot was to train operators
9 and LEAs together to provide California-specific landfill
10 operations info and investigate the requiring of mandatory
11 certification for LEAs, operators, and/or inspectors.

12 --o0o--

13 SUPERVISOR FOX: And a little bit more history.

14 In 2001 to 2003, five MOLO training classes with
15 California-specific information in a California-specific
16 test were very successfully conducted. At the same time,
17 in 2001 to 2004, four training classes were held in
18 California in support of the Pilot Program. These were
19 load checking; landfill operations, also known as state
20 minimum standards class; alternative daily cover; and tire
21 issues in rural areas.

22 Then in June of 2003, Board staff presented an
23 agenda item that summarized the Landfill Ops Cert Training
24 Program, and the Board asked staff to return with
25 recommendations and options on how to proceed. At that

1 Board meeting in June of 2003, it was very well recognized
2 how successful the Pilot Program had been and how much all
3 the parties had learned in working together to implement
4 those joint training classes and the value of joint
5 training of LEAs and operators.

6 Then in September of 2003, staff returned to the
7 Board with those options that had been requested, and they
8 were directed at that time to develop informal regulations
9 and hold workshops with stakeholders to obtain input about
10 draft regs.

11 --o0o--

12 SUPERVISOR FOX: In the spring of 2004, two
13 workshops were held. And there was enough critical
14 comment from LEAs about the topic of mandatory
15 certification that staff was instructed to develop a
16 matrix of options regarding solid waste facility training.
17 These options range from mandatory training and
18 certification, to training with no cert, to the option of
19 not changing the status quo. And there was lots of
20 discussion about all those options. Draft regs were not
21 taken before the Board at that time. Instead, staff was
22 directed to hold a third workshop in November of 2004 to
23 discuss the need for a broader training program.

24 --o0o--

25 SUPERVISOR FOX: And before I describe the

1 results of that November workshop, I'd like to provide a
2 little more background about the LEA Training Program
3 Because as mentioned, this agenda item is discussing both
4 those related efforts, the LEA Training Program, and the
5 simultaneously conducted Four-Year Pilot Program.

6 While the Four-Year Pilot Program was being
7 implemented, we were also offering classes under the guise
8 of LEA training. And many were in support of the
9 Four-Year Pilot. We do this because it's mandated by PR
10 Sections 42500, 42501, and 43217, because both the Board
11 and our Partnership 2000 has directed us to implement LEA
12 training, and because of the positive outcomes derived
13 from our LEA Training Program.

14 Our training focuses on compliance with State
15 Minimum Standards, basically. And we do this because the
16 LEAs are responsible for the enforcement of these
17 requirements. LEAs typically implement a very balanced
18 approach of operator education and assistance along with
19 enforcement actions when necessary. This approach is most
20 effective when based on sound training.

21 As mentioned, we receive funding of 96,000 from
22 local government dollars from the BCP, and these funds are
23 required to be spent on local government. So they're not
24 routinely supporting operator training. LEAs and
25 inspectors are our usual target audience. Operators have

1 been invited to the Pilot Op Cert courses and any other
2 training courses where appropriate.

3 Each year, we release a training survey to the
4 operators and inspectors. We tally all those responses,
5 and then form our annual Training Program. If it's
6 decided to expand our Training Program to more
7 systematically include operators, of course, we would give
8 operators the opportunity to participate in that survey
9 and shape the training future.

10 --o0o--

11 SUPERVISOR FOX: I've included just a couple
12 photos to make this discussion a little more real. This
13 is what some of our training classes look like. This is
14 one of my favorite instructors who happens to be in the
15 room. This is a load checking class. This is a prime
16 example of a course that includes classroom instruction
17 with actual field trips out to a facility. This was
18 incredibly popular, this load checking class. It was held
19 at 14 venues across the state. It had over 300 attendees.
20 It was in great demand due to the topic and how well our
21 instructor was thought of.

22 --o0o--

23 SUPERVISOR FOX: The next one is an example of
24 some of our trainings. Our format is a partnership
25 between LEAs and Board staff. This is a picture of that.

1 Pretty bad picture of that training happening. Currently,
2 we're conducting a course called A to Z Processes for
3 CEQA, and we're doing it in exactly the same manner. It's
4 a team effort between an LEA and Board staff. And at each
5 venue, we're bringing in local legal counsel to help weigh
6 in and local planners. So just another approach.

7 --o0o--

8 SUPERVISOR FOX: The third one proves that not
9 all our classes are just dry lecture. Many of them are
10 hands-on interactive kind of classes. Gas monitoring is a
11 prime example of a class that would lend itself to an
12 interactive style of teaching.

13 --o0o--

14 SUPERVISOR FOX: So I want to talk a little bit
15 about the Training Program's results and what we've heard
16 over the years. LEAs have reported they're better able to
17 obtain compliance at solid waste facilities. They are
18 better able to help operators understand the public health
19 and environmental impacts of their activities. Operators
20 are influenced to abide by regs when they're fully
21 educated about the potential impacts of formal
22 enforcement, whether from imposed fines or negative
23 community perception regarding their businesses. And our
24 Training Program always has the goal to provide a
25 consistent knowledge base across the state.

1 --o0o--

2 SUPERVISOR FOX: Let's go back to that November
3 workshop. As mentioned, staff was directed to hold
4 another November workshop as opposed to taking the regs
5 back to the Board. And at that time, the workshop
6 basically expanded the discussion of, should we have a
7 mandatory certification program; into a much broader
8 discussion of, should the Board provide a broader Training
9 Program to encompass operators, LEAs, and inspectors.

10 And we discussed all these things up on your
11 slide. Is joint training of operators and LEAs desirable?
12 If so, for what purpose? How can joint training best be
13 provided? What kinds of facilities require training for
14 operators and LEAs? And should training cover all or
15 selected topics?

16 --o0o--

17 SUPERVISOR FOX: We had a lot of feedback, and
18 there was a great deal of consensus on those questions
19 raised. All attendees felt that joint training involving
20 LEAs, operators, and inspectors is very desirable and has
21 very positive outcomes. It was agreed that joint training
22 provides a forum for many views to be expressed, and that
23 appreciation of those various viewpoints is often
24 encouraged, and shared experiences often result.

25 That's pretty critical, because oftentimes LEAs

1 and operators don't have the opportunity to be in the
2 classroom at the same time. And those classes were -- the
3 culture was kind of, you know, groomed so that a lot of
4 that occurred.

5 The group generally agreed the Board should
6 deliver joint training that offers kind of a menu
7 approach, where attendees can pick and choose what they
8 need based on their local need. They agreed we should
9 offer topics that go beyond solid waste landfills.
10 Meaning, we should talk about additional facility types,
11 like transfer stations, CDI, and compostable materials.
12 And it was strongly felt we should be offering classes on
13 cross media topics and increase our coordination with
14 other state agencies to do that.

15 --o0o--

16 SUPERVISOR FOX: Based on all this feedback --
17 I'm headed into the future here now. We designed an
18 expanded dynamic Training Program we believe will meet the
19 increasing needs of LEAs and much more systematically
20 encompass operators. This expanded program is very much
21 like what we currently do, but it improves on our status
22 quo, because our audience is composed primarily of LEAs
23 right now. And it has a much more limited range of course
24 offerings.

25 I'd like to describe what that program could look

1 like. First of all, we think there should be a pre-req
2 course, and that could be CalEPA's Basic Inspector Academy
3 or a Management of Landfill Ops course offered by SWANA,
4 or another entity if they have such.

5 --o0o--

6 SUPERVISOR FOX: We also are suggesting that
7 there be core topics offered. And the attendees would
8 attend the courses of their choice based on their local
9 needs. And I don't need to read them all, but the core
10 topics would be basics, like State Minimum Standards and
11 operational practices, permit, health and safety,
12 inspections, statutes and regs, that kind of thing.

13 We believe strongly that the State Minimum
14 Standards classes should be offered for that variety of
15 facilities that I've mentioned, not just solid waste
16 landfills, because there's lots of ops and LEAs across the
17 state that the solid waste landfill is not their concern.
18 They need training on CDI, organic materials, transfer
19 stations, that kind of thing. And operators would take
20 classes linked to the types of facilities they manage in
21 their injury and illnesses plans. And LEAs would attend
22 classes for the types of facilities described in their
23 EPPS, Enforcement Program Plans. And these topics would
24 change every year based on the results of the training
25 survey.

1 --o0o--

2 SUPERVISOR FOX: We've included a list of
3 electives. We're calling them electives. Any course that
4 an LEA, inspector, or operator would find to be pertinent
5 to their local needs, and here's an array of initial
6 suggestions, ones we've done in the past, ones that we
7 think would be needed in the future.

8 And, again, these classes would be changing year
9 to year based on the described needs. And our intent
10 would be to offer CEUs for all of the courses, but not
11 require mandatory certification. And, currently, we do
12 the CEUs, and that's been very successful in supporting
13 anybody that's currently MOLO certified by SWANA.

14 --o0o--

15 SUPERVISOR FOX: So we've developed an estimate
16 of what this expanded dynamic program could look like.
17 This is just the first-year costs. And it's reasonable
18 and somewhat in the medium range of what one could
19 envision.

20 If you decided to go with four different courses
21 under the core topic list, offer each one two times a year
22 at five locations, on average, that total would be
23 \$200,000.

24 If you had six different electives going across a
25 year three times, four locations, that's about 115,000.

1 We think at least nine of the classes should be
2 developed for online applications, so folks could take all
3 these courses online. And that is running typically about
4 \$6,000 a class. So we rounded it up to 55,000.

5 And that grand total the first year is 370,000.
6 We would minus the 96 that we typically get, and your
7 first year start-up costs are around 274,000. You can
8 keep in mind those costs would go down over the years,
9 because you don't need to develop the web classes each
10 year. And they could certainly go up and down if you
11 modify how many venues you offer them at, how many courses
12 you offer each year, and the frequency of each course. So
13 those numbers can really be played with.

14 --o0o--

15 SUPERVISOR FOX: We've also investigated the
16 options to fund an expanded training program. Choice one
17 is to compete annually for the discretionary IWMA
18 Consulting and Professional Services Contract dollars.
19 It's probably not the ideal situation, as it doesn't
20 provide a stable, consistent funding base each year. It's
21 a competitive process, and you don't know what you're
22 going to have every year. And it does not address
23 staffing needs.

24 Choice two to establish mandatory training
25 contracts out of the Consulting and Professional Services

1 line item. This would provide a stable and consistent
2 funding base and would require that the Board would
3 dedicate funds, which would be a good thing. It does not
4 address staffing needs.

5 And choice three, much more long term, is to
6 prepare a budget change proposal for dedicated expenditure
7 authority for contracts and staff. And obviously there's
8 a lot of pros to that. It's not just an immediate fix.

9 --o0o--

10 SUPERVISOR FOX: And I'm getting near the end.
11 We also investigated our implementation options, because
12 there's a variety of ways one could tackle implementing a
13 larger training program.

14 One would be to implement one competitively bid
15 contract for the entire training program over a two- or
16 three-year period and have staff manage it. Another
17 choice would be to implement smaller individual contracts
18 for each class. The third would be to develop or hire
19 in-house experts, staff, to teach the courses. And the
20 fourth choice, obviously, you can combine any variations
21 of the theme of one to three up above. There's pros and
22 cons to each that I really don't feel you need to hear
23 right now, but we can talk about it if appropriate.

24 --o0o--

25 SUPERVISOR FOX: And in closing, I'd like to say

1 we believe we've described an expanded joint training
2 program that we find, it's not bare bones, it's not
3 extravagant. It's reasonable. And as we've mentioned, it
4 would encourage greater communication and networking
5 between solid waste professionals. An extended training
6 program that encompasses facility operators, that is
7 consistent with other Board discussions about preventing
8 operational problems, increasing coordination among
9 stakeholders, and providing LEAs and operators with
10 increased technical assistance. We've mentioned options
11 of how to obtain funding and a variety of ways it could be
12 implemented.

13 This is a discussion and request for direction
14 item, so we would like the Committee's direction on
15 whether to discontinue the rule making on the mandatory
16 certification requirements for landfill operators and
17 inspectors, and also request for direction on implementing
18 or exploring options about implementing an expanded joint
19 training program for LEAs, facility operators, and
20 inspectors.

21 So I know that was a lot to digest. That's the
22 conclusion of my presentation. Are there questions?

23 CHAIRPERSON MULÉ: We have several speakers on
24 this item. So if it's the Committee's pleasure, I'd like
25 to call our speakers forward first.

1 First, we have Steven Jones.

2 Before you start, Mr. Jones, I just want to thank
3 you for being here today. Mr. Jones is a former Board
4 member and was instrumental in getting the MOLO training
5 developed and approved here at the Board. And I think
6 without your leadership on that, we wouldn't be where we
7 are today. I just want to thank you in advance.

8 MR. JONES: I appreciate that, Madam Chair and
9 Chair of the Board Marin, and Mr. Washington. Nice job on
10 the home makeover show. I tried to call you, but I
11 couldn't get in touch with you.

12 This is an issue that's pretty near and dear to
13 me. But some of the history that you heard doesn't really
14 encompass why we even went down this road, so I'm going to
15 just briefly bring you up to speed on a couple of things,
16 because I think it's real easy to take a direction when
17 you see the cost, as opposed to what the benefits might
18 be.

19 When we started this project, it was because --
20 and I was the industry seat. I was an operator. I ran 19
21 landfills. I was frustrated every day, by not only the
22 people that we hired to operate, but the LEAs and the
23 state inspectors that came to see it, because there was
24 never any consistency. I had an LEA tell me to put two
25 feet of dirt on my landfill because part of a couch was

1 sticking out. I didn't do it. I pulled the couch out.

2 Because they didn't understand what two feet of dirt meant
3 to that landfill.

4 If you don't want to permit landfills on a weekly
5 basis, then we've got to get smart about the way we run
6 landfills. And we have to be smart about the people that
7 are inspecting those landfills. We've got to increase the
8 educational base.

9 When I ran the operations for Norcal Waste
10 Systems, I made my operators understand what the people in
11 the office were trying to accomplish, and the people in
12 the office understand what the guy on the truck or the guy
13 at a landfill is trying to do. Because without that
14 understanding, they were always at loggerheads with each
15 other.

16 That's part of what drove the genesis of that
17 program, was trying to increase that knowledge so that
18 operators understood what LEAs and state inspectors needed
19 to see so they could better comply, instead of what we
20 have now is demand and control. A set of regulations that
21 we go in once a month to see if we can catch somebody
22 making a mistake, as opposed to training them so that the
23 beneficiary is the citizens of the state of California.

24 When we have landfills that are run right, that
25 everybody understands how they should operate, the cost to

1 operate that landfill goes down, and the impacts on the
2 environment are mitigated.

3 This is a huge issue when you're looking at this
4 kind of a program, and it's something that has escaped
5 people continually to my frustration. The Board I sat on
6 voted 6-0 to continue this program, and I can't ask you to
7 vote for it, because I don't think that would be proper.

8 But I'm going to put it into some context. I
9 took this course as a student, and I passed it. Now, I
10 haven't run a landfill in seven years, and I passed it. I
11 had to authorize the removal of two questions while I was
12 still at this Board so a couple of state inspectors could
13 pass it. Because if those two questions stayed in, they
14 couldn't have passed it. Doesn't mean they didn't know
15 their job. They didn't understand some part of what was
16 being trained.

17 Now I'm a trainer. Now I go out and teach this
18 course to try to make sure that people understand. If you
19 go to the state of Texas and you want a job running a
20 solid waste division for a county, you've got to be
21 authorized by the State of Texas that you understand how
22 to run a landfill. They'll give you a year to get that
23 training, but they demand that you be trained.

24 We have 168 landfills. We don't demand anything.
25 We don't even demand that the inspectors that are out

1 there have an REHS certification. They don't have to have
2 it. It would seem to me -- and one of the things we tried
3 to work on with LEAs was to work with the State Health
4 Departments or the State Health Services, whatever their
5 title is, to see if landfill operator training could be
6 part of their ongoing education to keep their
7 certification.

8 People come in and out of this industry as
9 quickly as people walk in and out of this building. And
10 you never know from day to day who is an expert or who is
11 going to tell you they're an expert.

12 But if you at least have a training program so
13 that people understood the bare minimum basics of a
14 landfill, and then later change that to transfer stations
15 and other things, it's not going to be a burden on
16 industry. Because if people understand, if all the
17 parties that are involved in the inspection of a landfill
18 understand how to operate a landfill as well as understand
19 what the rules are as far as the PR goes, then you're
20 going to have a cost savings to all companies. I've
21 talked to every CEO of every major company, and they
22 agree.

23 I would hope that the Board could figure out a
24 way. I get nervous when I hear, let's train LEAs in
25 what's important to them and let's train operators in

1 what's important to them. You've just missed the entire
2 point of why this training even started. The point was
3 all three parties need to understand how to run a landfill
4 and what the rules and regulations are as far as the State
5 Minimum Standards go so that sites get operated properly.

6 So I would encourage you, if you ever want to
7 hear some more of the history -- and there was a lot of
8 history. We had meetings with industry, LEAs, and state
9 staff for a year and a half before we ever determined we
10 were even going to do this, because we weren't going to do
11 a program if we didn't see there was a need. Now the
12 minimum standards that were being violated have gone down
13 since we started this program. I think that has to do
14 with the LEA training. But I think a lot of it has to do
15 with the MOLO training that went on.

16 People object to the idea that SWANA is the only
17 one that gives the training. SWANA gives training that is
18 good training. You know, it's easy to walk around and
19 tell people you've got the best organization in the world
20 and just give lip service, which I've heard from time to
21 time working in this building. It's another to be able to
22 perform every day. Those SWANA trained people understand.

23 When you look at a room of 40 people that are
24 taking a class and you've got some kid that's only been in
25 a landfill in Orange County for a year and his boss sent

1 him to this training, and he's scared to death, because
2 he's going to learn how much waste goes in a hole. And
3 he's got to figure out how to calculate it. He may never
4 need that ever in his job as long as he's got a career in
5 this industry, but it's not going to hurt him to
6 understand just how important that space is. And if he
7 operates his equipment properly, he gets better compaction
8 in that space, which means they're not going to be in
9 front of you any time soon asking for another permit to
10 expand that landfill, because they're utilizing
11 appropriately what's there.

12 It's good training. I'd encourage all of you to
13 at least look at it. It's not easy. But you know what?
14 It goes to the basis of what this Board should be doing.
15 And what it should be doing is a joint -- it should do
16 whatever you want it to do. But I would hope one of those
17 things would be to bring all these parties into the same
18 room and make sure there's consistent training so they
19 understand what each one is faced with so they can each
20 perform. I appreciate it. Thank you.

21 CHAIRPERSON MULÉ: Thank you very much, Steve.
22 Appreciate your comments and the history. Very valuable
23 to us.

24 Next, Yvette Agredano.

25 MS. AGREDANO: Good morning, Madam Chair,

1 members. On behalf of the California Chapters of SWANA,
2 Yvette Agredano here. I just want to say we're supportive
3 of the overall concept behind this proposal. It is
4 commendable, because it would help to ensure proper
5 management of operational activities, and it would help to
6 provide clear understanding of the relationship between
7 the implementation side and the enforcement side of
8 regulations by both operators and inspectors.

9 However, we do also believe that joint training
10 is really the heart of the matter here. And we believe
11 that should be the priority and the focus behind this
12 proposal. SWANA has always stood behind that idea, and
13 we're not going to stop now. All of our letters to this
14 Board have always stated our priority is joint training.
15 We do like the idea that CEUs are continuing as an issue.
16 We do commend staff on highlighting that.

17 One of our concerns, though, is that the
18 inclusion of operators is always behind this word
19 "systematic," and that concerns us, mostly because it
20 leaves room to exclude operators at some training. And it
21 leaves room to not include us in trainings that someone
22 may feel operators don't need.

23 SWANA has never been exclusive in their
24 trainings. We've always left them open to anyone who
25 wants to participate. We may have a different fee

1 schedule for participants. However, we've always left it
2 open to anyone who would like to participate. So I would
3 like staff to work with us. And we're open to working
4 with staff to develop language to be more inclusive to
5 working with operators and inspectors at the training
6 level.

7 We would like for more of an open dialogue
8 between inspectors and managers in the training setting,
9 and we would like to further promote an existing good
10 quality output by managers in California. Although
11 certification has sort of dropped off of this proposal,
12 SWANA has always supported the idea of certification,
13 because we think it's good. It's good promotion for good
14 quality landfills and for good managers. And so SWANA is
15 not going to back off of that idea. SWANA will continue
16 to offer MOLO training, and will continue to offer
17 certification for anyone who wants to participate. And so
18 if the idea of certification does come back up, we will
19 certainly offer our expertise and language in helping
20 staff to develop that idea. And then I believe John
21 Abernathy will be speaking later, and he can offer more
22 expertise as a trainer for SWANA.

23 CHAIRPERSON MULÉ: Thank you.

24 Our next speaker is John Abernathy.

25 MR. ABERNATHY: Thank you, Madam Chairwoman,

1 members of the Board. I'm John Abernathy. I'm currently
2 with the County of Sacramento. Previous to that, I was a
3 Deputy Director with Merced County operating two small
4 landfills. I'm a past International President of SWANA
5 and work on a number of their technical committees.

6 And SWANA's position has been consistently over
7 the past 40 years increased professionalization. We've
8 encouraged certification in a number of programs and
9 areas. We're very supportive of the Board's efforts to
10 increase funding for education in solid waste management
11 for the expansion of program offerings to the other
12 avenues.

13 Our primary concern is with landfill operation.
14 We have always believed both from an operator perspective
15 and an association that the joint training of operators
16 and enforcement personnel is vital to successful programs.
17 We're disappointed to see that certification is not being
18 supported for the enforcement personnel, but we request
19 consideration that it be pursued and continue for at least
20 operators as part of a permit condition.

21 We think it's, as Steven Jones mentioned, you
22 know, important that operators increase the
23 professionalism of the organizations, that they understand
24 completely the State Minimum Standards, and they have a
25 clear understanding of their duties and responsibilities

1 as operators of these facilities.

2 I'd like to say on behalf of SWANA we've
3 appreciated the opportunity to work with the pilot
4 training program. We thought it was very, very
5 successful. Everyone that we've talked to, you know,
6 thought it was excellent training. We're encouraged by
7 the California-specific aspect of it. We offer that as an
8 international association.

9 If you get into organics training and C&D
10 training and the many other aspects, SWANA has an existing
11 e-program online training. We have programs that can be
12 taken to the facilities. We have training in transfer
13 operations, household hazardous waste, load checking.

14 So we do not believe the Board needs to establish
15 its own separate training program. There are many other
16 organizations and many other opportunities to have
17 training provided. We think it's more economically
18 advantageous for the Waste Board to utilize those
19 assisting systems out there and to focus on the
20 development of what needs to be, you know, in the
21 curriculum and hopefully tracking system so you can see
22 which operators and which enforcement people are
23 performing adequately and to eventually continue to look
24 at a certification program for these folks.

25 Thank you.

1 CHAIRPERSON MULÉ: Thank you, John.

2 Our next speaker is Evan Edgar.

3 MR. EDGAR: Good morning. My name is Evan. I'm
4 MOLO trained. I'm a representative of California Refuse
5 Removal Council.

6 What this joint training does, it bridges all
7 aspects of solid waste management from rural to urban,
8 from public to private, operator to enforcement, state to
9 local. This does it all.

10 I've been participatory in this joint process.
11 It has been a great program and should be expanded. The
12 pilot program has been a success, and a lot of the public
13 sector contracts require a MOLO trained person in order to
14 bid on the project. We would support that. It's been a
15 very successful project. We urge your consideration.
16 Thank you.

17 CHAIRPERSON MULÉ: Thank you, Evan.

18 Our final speaker is Dennis Ferrier.

19 MR. FERRIER: Good morning, Madam Chair and
20 members of the Board. I'm here today to speak on behalf
21 of the Enforcement Advisory Council. Our Chair, Bill
22 Prince, wasn't able to attend.

23 CHAIRPERSON MULÉ: But he did send us an e-mail.
24 He sent an e-mail to the entire Committee last week.

25 MR. FERRIER: We've adopted Resolution 2005-01.

1 And basically that outlines the Enforcement Advisory
2 Council's position.

3 I'd like to add that we support the Board staff's
4 expanded development of existing training and co-operator,
5 LEA, EA trainings. The existing program has been a very
6 robust and very well received one.

7 We don't wish to take anything away from SWANA's
8 efforts over the years. I'm also MOLO trained. In many
9 states in the country, they do offer a variety of
10 different venues of training. SWANA is one of those
11 venues. An example would be the State of Florida, which
12 offers quite a smorgasbord of training which is offered
13 not just at landfills or at venues off site, but they also
14 provide on-site training for spotters, which happens to be
15 one of the primary areas where people have been seriously
16 injured or killed which has resulted in quite a bit of
17 expense, I imagine, to the corporations.

18 We do not support the certification or
19 re-certification outside of the Board. The Board is the
20 oversight agency for the local agencies. We currently do
21 undergo certification for those programs. To vest the
22 Board's role of certification with a group that wears
23 basically two hats and training -- granted, they do an
24 excellent job in training.

25 But they also have a dual role. They are the

1 lobbying arm and representative for industry. And it
2 sends, in my own personal opinion, not a very good message
3 to the public that the Board is divested itself of that
4 oversight role to certify and train and provide any
5 disciplinary action where needed to local agencies that
6 don't meet their certification roles.

7 We would like to see co-training including
8 operators with the Board and the oversight role for
9 trainings that are offered, whether they be through an
10 outside venue, SWANA, or with other operators, Neal
11 Bolton, Larry Sweetser and Associates, or any of the other
12 venues that offer trainings. And we feel this would add
13 an element of flexibility that operators would be free at
14 any time to bring somebody on site from any venue, whether
15 it's online or on site, and offer trainings.

16 That's all.

17 CHAIRPERSON MULÉ: Thank you. Are there any
18 questions?

19 COMMITTEE MEMBER MARIN: I had a couple of
20 thoughts more than questions, or maybe there are some
21 questions.

22 I'm looking at all of the attendees for the 2004
23 LEA classes and the expenditure for the contracts. I
24 believe except for maybe one time we actually spent
25 \$96,000. I think for the other times it was less than

1 that. One was about 76,000 and the like. So these
2 classes, the four-year program, 2004, '03, '02, '01, the
3 people that attended these classes were only local
4 enforcement agency? It was also landfill operators?

5 DEPUTY DIRECTOR LEVENSON: Do you mean the
6 Four-Year SWANA MOLO course?

7 COMMITTEE MEMBER MARIN: It doesn't say here. It
8 says Four-Year Pilot Landfill Operation Training
9 Certification Classes under CIWMB MOU with SWANA.

10 SUPERVISOR FOX: Those classes that have the
11 asterisk on this table, those were attended by Board
12 inspectors, LEAs, and operators, because they were the
13 Four-Year Pilot Classes with the sole intent of bringing
14 everybody together on -- not the sole intent, but the
15 large intent of bringing everybody together in one
16 training room.

17 COMMITTEE MEMBER MARIN: And I can see those ones
18 that have the little asterisk, except for one, were very
19 nicely attended, right, and probably had the highest
20 attendance.

21 So my question is, if we're already doing that,
22 we're already co-educating landfill operators and LEAs, I
23 don't understand the difference of what we're attempting
24 to do now.

25 SUPERVISOR FOX: We did that under the guise,

1 under the Four-Year Pilot Project with a different source
2 of money. That did not come out of the 96,000 BCP,
3 because that is devoted to LEA training. It raises the
4 discussion about what funds can we use to jointly train
5 everybody together on a more consistent basis, which is
6 what we all are --

7 COMMITTEE MEMBER MARIN: I'm not understanding
8 something. So the 96,000 is not included in those
9 contracts?

10 SUPERVISOR FOX: The 96 did not support -- they
11 did not fund the Four-Year Pilot Classes -- Four-Year
12 Pilot Program Classes. Those were separate contract
13 dollars that went through the contract concept process.

14 COMMITTEE MEMBER MARIN: What did we get for the
15 \$96,000?

16 SUPERVISOR FOX: You get other classes and money
17 banked ahead each year to support the LEA --

18 COMMITTEE MEMBER MARIN: But I don't have a
19 listing of that here.

20 SUPERVISOR FOX: No, you do. All the rest of the
21 classes that don't have asterisks. And large chunks of it
22 went to support the conference each following year, which
23 all those costs are not reflected. We stipend LEAs
24 \$10,000 for the conference each year, and things like
25 that. That's not reflected under your training tallys.

1 DEPUTY DIRECTOR LEVENSON: Let me back up a
2 little bit if I can. And first of all let me say a couple
3 of things.

4 First of all, I want to acknowledge Steve's
5 leadership on this issue. That's been paramount. There's
6 been no doubt that the MOLO courses are excellent and have
7 been well attended, and everyone has benefited from them.

8 Those were funded by separate special contracts
9 from the Integrated Waste Management Account that the
10 Board entered into with SWANA. Those classes are the
11 asterisk ones on this list. All the other classes have
12 been funded with the \$96,000 we get every year. This is
13 statutory moneys that go to LEAs. And through agreement
14 with the Directors of Environmental Health, \$96,000 of
15 those moneys go to the LEA classes.

16 I'd like to say that we've learned a lot from the
17 MOLO program. I think we specifically learned that joint
18 training is critical. If that's not reflected in there,
19 that's my mistake. Because even in the recommendation
20 we're speaking direction for an expanded joint training
21 program for LEAs, facility operators, and inspectors, and
22 we fully recognize that's the critical issue here, is that
23 joint training is needed and is beneficial.

24 Now, there might be a few times when LEA-only
25 courses are appropriate. For example, if we're talking

1 about specific enforcement cases where there's some
2 confidential information.

3 But our intent is that all these classes be
4 operated as joint classes. The question now, aside from
5 the certification issue, is how to go ahead and fund that.
6 The proposal that you've got before you is one idea. It
7 would cost 250-, \$275,000 a year if we went down that
8 path. It could be a lesser amount. Could be a larger
9 amount depending on your druthers.

10 But our intent clearly is to provide joint
11 training. And we would accomplish that in part by doing a
12 survey every year to find out what the needs are for
13 operators, LEAs, and Waste Board inspectors.

14 I'd also like to say that the MOLO course is
15 landfill specific. There's no doubt that it's the
16 premiere course in the country, probably. Our issue is
17 that we need more than just landfill training. We also
18 need to cover issues at transfer stations, composting
19 operations, construction and demolition debris operations,
20 et cetera. That's what we've been hearing more so from
21 LEAs, some from operators as well, but that's been a
22 consistent message to us.

23 COMMITTEE MEMBER MARIN: Let me ask you this. Is
24 anybody else providing that training right now, and who
25 pays for that?

1 DEPUTY DIRECTOR LEVENSON: Which training?

2 COMMITTEE MEMBER MARIN: C&D -- whatever you just
3 said. Is any other organization, anybody else providing
4 that kind of training?

5 DEPUTY DIRECTOR LEVENSON: Not that we're aware
6 of. There may be occasional seminars or a workshop at a
7 conference or something like that, but nothing that is
8 planned out in advance, has contract dollars to support
9 it, and brings in the technical experts, whether it be
10 SWANA or someone else, such as a Larry Sweetser or Neal
11 Bolton to provide that --

12 CHAIRPERSON MULÉ: You're talking about here in
13 California, correct, Madam Chair?

14 COMMITTEE MEMBER MARIN: Just anywhere. Because
15 the next question is, who pays for that? And why would we
16 need to pay for that? I need a case for that.

17 DEPUTY DIRECTOR LEVENSON: Right now, we have the
18 statutorily obligated money, a portion of which goes to
19 training for LEAs.

20 COMMITTEE MEMBER MARIN: That's the 96,000.

21 DEPUTY DIRECTOR LEVENSON: That's the 96. We
22 will continue to do that. Where we can, we can open that
23 up to operators. But those moneys cannot be spent on
24 operators because of the budgetary constraints. We either
25 can expand the training and charge full cost to the

1 operators, which is somewhat problematic because we don't
2 know how many we're going to get ahead of time. Or we can
3 provide some other source of funding, such as IWMA
4 funding, and know we're going to be able to offer X
5 classes a year, whatever that level might be, and make
6 plans accordingly. We still could recoup some moneys with
7 a nominal charge to operators. But in our view -- and I
8 agree with the speakers that have come before you today.
9 The joint training, getting people together in the class
10 and in the field, is the critical lesson we've all
11 learned.

12 COMMITTEE MEMBER MARIN: But who should pay for
13 that?

14 DEPUTY DIRECTOR LEVENSON: In our view, if we
15 have available, in staff's view, moneys from the IWMA in
16 some manner, we believe the Board ought to.

17 COMMITTEE MEMBER MARIN: When you think of
18 anybody else, if I'm going to be a barber, I go and get
19 training, and I pay for that training. If I'm going to be
20 a doctor, I go to school. But I pay for that training,
21 you know. Any other skill -- if I'm going to be a
22 mechanic, I go and get training. I pay for that. Or if
23 my employee wants me to get more training, maybe my
24 employer -- the employer -- if I'm the employee and my
25 employer wants me to get some more training, the employer

1 usually pays for that training and gives me the time off
2 and so forth. The question is why should the State pay
3 for that?

4 SUPERVISOR FOX: I think I can take a crack at
5 that. It's because we promulgate these very complex
6 regulations, and because we are the ones in that seat
7 driving that, and we have this target audience out there
8 that says, "We don't get it. Tell us how." Then what?
9 That's why I think the burden falls upon the Waste
10 Management Board to clearly explain what's required in
11 regulations, what's required with enforcement, and what
12 the different nuances are. If you're telling somebody to
13 go out and get best management practices training and it
14 doesn't exist, but we're telling them you need to --

15 COMMITTEE MEMBER MARIN: But that's true of any
16 other skill. I mean, if you are a cosmetologist and there
17 are new regulations and you want to be updated, you go and
18 pay to be updated as to what the State requires you to do.
19 I don't know. Maybe I'm unaware.

20 Let me just state this, because I appreciate the
21 value of training. I am not diminishing that at all. I
22 think everybody should be trained. I think it behooves us
23 all to get very good people trained. The question is, who
24 should pay for it?

25 DEPUTY DIRECTOR LEVENSON: Right now, there's one

1 entity that provides a comprehensive Landfill Operations
2 Training Course, and that's SWANA. That was the interest
3 for the original direction to develop regs for a
4 certification of operators and LEAs. There are not, so
5 far as I know, equivalent offerings on a comprehensive
6 basis for all the other kinds of facilities that we need
7 training for. So it's really a policy call for the Board
8 to discuss. Do you wish to pursue some kind of
9 certification program in this case of one particular
10 component, the solid waste infrastructure, or provide
11 training that would be the basis for bringing operators
12 and inspectors together on a variety of subjects.

13 COMMITTEE MEMBER MARIN: I think Yvette wants to
14 say something. She's dying to come to the microphone.

15 MS. AGREDANO: Thank you, Madam Chair.

16 Board Member Marin, to answer your question,
17 actually SWANA does offer most of these courses. And,
18 actually, if staff had looked at the Trio Program they
19 list in their staff report and recommendations, they would
20 have seen that SWANA actually offers courses in all but
21 one of the divisions and areas offered in Florida. And
22 SWANA would be willing, if California and the Waste Board
23 opens up the program here in California, to offer those
24 programs here in California.

25 And the division where we do not offer the

1 current program, if the Waste Board wanted us to develop
2 something, just as we did develop the California-Specific
3 MOLO Training Program, specific for California in
4 cooperation with the Waste Board, I'm sure we would be
5 willing to go into negotiations on that one division as
6 well.

7 So SWANA not only provides MOLO training and
8 California-Specific MOLO training, but we do also
9 currently offer areas of education on very specific areas
10 of operations, including composting, load checking, in the
11 different divisions and areas. And I could go into more
12 detail if I was able to consult with some of our operators
13 at SWANA International on the east coast. So we could
14 provide a more detailed report before your Board meeting.

15 COMMITTEE MEMBER MARIN: When people come in and
16 take your training, who pays for that?

17 MS. AGREDANO: The people participating. The
18 people taking the training.

19 COMMITTEE MEMBER MARIN: Thank you.

20 CHAIRPERSON MULÉ: Steve.

21 MR. JONES: I apologize for coming back up, but I
22 appreciate the opportunity. When this was designed, it
23 was always designed that each entity would pay its own
24 way. That got lost in this item. It was never intended
25 that the Board fund it.

1 The \$96,000 that got funded, or whatever the
2 number was, was to go to the rural communities that could
3 not afford to send anybody or couldn't afford to lose a
4 person for four days. So the Board funded that through
5 with some creativity and got the understanding out there,
6 because those were the landfills that were in the most
7 jeopardy. But each entity, Chairwoman Marin, and you're
8 right, needs to pay its own way.

9 There was a caveat in the pilot program that for
10 those big companies -- Waste Management used to have a big
11 training program, BFI had one. They spent money to train
12 their people. They could, in fact, pay -- I think it was
13 like 100 bucks. It's in the original contract. I think
14 it's 100 bucks or something. They can go in and take the
15 test. If they take the test and pass, they become
16 California certified. That's what you need.

17 But it was never intended for the Board to be
18 funding the whole thing. It only became that, I think,
19 when they decided to lump all these together and water
20 them down and do it that way.

21 So I think if you leave it and can show it as a
22 certified program -- an LEA that sends somebody, that city
23 or that jurisdiction pays. The Waste Board pays for their
24 people. And the operators pay for their people. And then
25 that cost is distributed. That was the intent. That's

1 just a little more history. So thank you for the
2 opportunity.

3 CHAIRPERSON MULÉ: Well, thank you, Steve.

4 COMMITTEE MEMBER MARIN: Please excuse my
5 allergies. I'm having an allergy attack here. Maybe my
6 brain is not functioning very well right now.

7 But that answers a lot of questions for me,
8 because I don't mind if people say I'm very stingy with
9 taxpayers' money. What is law is the law. I have no
10 problem abiding by what the law says. And if they
11 mandated us to spend \$96,000, we will spend it, and we
12 will get a worthwhile training program that we can. I
13 have a real difficult time putting up \$200,000 more for
14 that, especially if we don't need to do that. To me, it's
15 very simple.

16 CHAIRPERSON MULÉ: I think there's a need, but
17 Sharon --

18 BRANCH MANAGER ANDERSON: And giving up that
19 opportunity at this point, we wouldn't necessarily then
20 have any mechanism to require that anybody take these
21 sorts of trainings. Because right now our LEA
22 certification regs don't specifically require specific
23 training courses. And so it would -- then I would be
24 saying, who then is the responsible party to assure that
25 everybody gets this training?

1 COMMITTEE MEMBER MARIN: I don't understand that.

2 I really don't understand what you're saying.

3 BRANCH MANAGER ANDERSON: Just like Steve Jones
4 says, in the rural jurisdictions, people can't afford to
5 come to these trainings. They can't afford to come to
6 Sacramento or something like that when we have just the
7 \$96,000 training venues offered.

8 COMMITTEE MEMBER MARIN: We haven't even used all
9 of that money.

10 BRANCH MANAGER ANDERSON: Actually, we were cut
11 last year down to \$41,000, which was split between health
12 and safety, and half of it was split to health and safety
13 and half to LEA training.

14 COMMITTEE MEMBER MARIN: How can we do that when
15 we are mandated to spend \$96,000?

16 COMMITTEE MEMBER WASHINGTON: Who split it?

17 DEPUTY DIRECTOR LEVENSON: What we have is \$1.5
18 million a year that is statutorily obligated to provide
19 LEA grants. Out of that, \$96,000 is reserved for the
20 training programs. Last year, because of the budget
21 shortfall, we were only able to expend 48,000. They
22 weren't all expended.

23 COMMITTEE MEMBER MARIN: I don't want to answer
24 to the Legislature that we did not abide by the law.

25 DEPUTY DIRECTOR LEVENSON: The \$96,000 is not a

1 statutory provision. The one-and-a-half million dollars
2 is.

3 COMMITTEE MEMBER MARIN: Okay, guys. Either my
4 language or my allergies are really acting out on me, or
5 I'm not listening very clearly. I thought somebody said
6 we needed to spend \$96,000 in training.

7 DEPUTY DIRECTOR LEVENSON: We have an agreement,
8 and it was codified by a budget change proposal in '98.

9 COMMITTEE MEMBER MARIN: We're not mandated by
10 law.

11 DEPUTY DIRECTOR LEVENSON: No. I think I
12 misspoke there, and I need to go back and research that.

13 CHAIRPERSON MULÉ: Board Member Washington.

14 COMMITTEE MEMBER MARIN: You've been here longer
15 than I have.

16 COMMITTEE MEMBER WASHINGTON: To go back to Chair
17 Marin's concern, I think the answer already has been
18 given. Do we want to spend \$200,000 on -- and I just
19 heard Yvette say SWANA does all but one of the things that
20 you're saying that you need this other money for. Am I
21 missing something here? Did you guys know that SWANA did
22 all but one of the other programs that you mentioned,
23 Howard?

24 DEPUTY DIRECTOR LEVENSON: We're aware that SWANA
25 offers quite a range of courses. I think the issue here

1 is a couple of issues. One is, is there a Board role in
2 providing expanded training?

3 COMMITTEE MEMBER WASHINGTON: So you guys just
4 don't want SWANA to do it?

5 DEPUTY DIRECTOR LEVENSON: As Mindy's slides
6 suggested, SWANA might be a prerequisite course. The MOLO
7 Landfill Course might be a prerequisite. We have no
8 objections to SWANA providing training.

9 The real issue the LEAs have raised is requiring
10 that course specifically for certification of all LEAs and
11 inspectors. So, in our minds, it made more sense to focus
12 on joint training. Now, whether that's provided by the
13 Board or someone else, open question. We think we have a
14 good training program we can bring more people to the
15 table jointly. But that doesn't mean that if we did get
16 some money, whether it's 270,000 or 50,000 or what have
17 you, primarily that's contracted out. Could be contracted
18 out by competitive bids. Could be contracted out by small
19 contracts to, say, the RCRC or other experts. SWANA could
20 be a provider of that kind of training as well.

21 SUPERVISOR FOX: Howard, I'd like to add on to
22 that. Our agenda item did point out we're aware of the
23 Trio Program, and we could model this in a very similar
24 fashion to that, which is hiring folks like SWANA, other
25 universities, other outside contractors, and in-house

1 staff. That's what Trio is. That's what ARB does. Our
2 agenda item suggests doing that exact same thing with the
3 intent of offering joint training. You're right, it then
4 begs the question who is going to fund that. And it's in
5 your hands.

6 COMMITTEE MEMBER WASHINGTON: Chair Marin, just
7 before I forget. Am I clear from Steve or Yvette that
8 SWANA is not opposed to doing joint training, are you?

9 MS. AGREDANO: No.

10 CHAIRPERSON MULÉ: No. SWANA -- I think
11 everybody here today that we heard from supports joint
12 training.

13 I think some issues are getting clouded here. I
14 know in my discussions with all the stakeholders, we all
15 feel, and myself included, that we need to have a more
16 structured, expanded training program here in California.
17 And as Steve mentioned at the very outset, as far as
18 landfills went, there was no consistency in the operations
19 and the inspection portion of training. Therefore, there
20 was a need for training so that everybody was trained to
21 the same level and had the same set of knowledge and
22 skill, supposedly, to operate landfills. That was the
23 intent of MOLO.

24 And so I think what happened then when we were
25 having the evaluation discussions and workshops last fall,

1 we then said, well, why are we limiting that scope to just
2 landfills? We need to look at the broader issue of
3 training and how we, as a Board, what role we can and
4 should play in that.

5 Now, as far as operators paying for classes, I
6 mean, I'm not opposed to that. I think they should. I
7 know while I was working at both BFI and Waste Management,
8 they had an extensive training program on all aspects, not
9 just landfill operations. I mean, we were trained to
10 death. These companies are fanatical about training, as
11 they should be, because we're here to protect the public
12 health and environment. That's what we're all about.

13 So what we're trying to come to terms with, I
14 think staff is trying to figure out, how can we provide an
15 expanded training program that has that joint training as
16 well, because we're going to need extra resources to do
17 that. So any type of expansion that we have, we're going
18 to need additional resources. How do we go about that?
19 And I would like to see staff come back to us with an
20 outline of how this would work, where the funds would come
21 from, and who would pay for what. Because I don't expect
22 the Board to pay for operator training.

23 COMMITTEE MEMBER MARIN: And then if I may try to
24 go back to why would people come to this training if it's
25 not certified, required? Right? Was that the question

1 that you were trying to answer or --

2 DEPUTY DIRECTOR LEVENSON: All of our courses
3 offer continuing education units. So for anyone who does
4 have a certification requirement as part of their job or
5 if they're an REHS, registered environmental health
6 specialist, those units would provide them.

7 What we don't have is a program that lays out you
8 must take course A, B, C, and doesn't lay out exactly what
9 courses you must take in order to be certified as
10 whatever, a solid waste operator, or anything. If we went
11 down that path, which was somewhat similar but is broader
12 than the first path we went down with the MOLO course
13 where the Board directed us to look at mandatory
14 certification, landfill operators, and inspectors based on
15 taking the California-Specific MOLO training. If we went
16 down that and required a broader range of courses be
17 taken, we have to make sure there's providers, who's going
18 to do the checking to verify that people have taken the
19 courses and keep track of that. Are there sufficient
20 providers? And then how do we know those courses are
21 going to be offered? I would presume that SWANA might
22 offer it. And if the Board was doing the double checking,
23 that might be one path.

24 COMMITTEE MEMBER MARIN: Well, I appreciate what
25 people -- I think it was Mr. Abernathy that said we can't

1 just relinquish the authority, if you will, to SWANA. But
2 I'm sure SWANA has those certifications that are taken by
3 the industry as blessed and holy water and the whole
4 works. So if there is a role for us to play, then we
5 shouldn't relinquish that. We shouldn't advocate that.

6 But I want to make sure that whatever we do -- we
7 do what we have to do. We have to do what we have to do.
8 If there is a law or somebody already ordered something to
9 be spent, that's fine. Let's come up with how it will
10 work. I don't know that I understand yet how it will
11 work. And maybe we just need to --

12 CHAIRPERSON MULÉ: I think maybe that's the
13 direction that we can give staff today, is to come up with
14 a more detailed plan of how this might work and the
15 funding for that. And maybe we need to look at it in
16 phases. Maybe we need to look at putting together some
17 type of program, and as a Phase 1, if you will. And maybe
18 try that out. And then look later at -- you know, then
19 how that works, and then discuss the issue of
20 certification.

21 COMMITTEE MEMBER MARIN: And let's not forget --
22 I do appreciate the intent of having that money available
23 for those organizations or those rural counties out there
24 that really couldn't get this unless they get some help.
25 I am sensitive to that. But to have the Board assume the

1 training requirements for many of those operators who very
2 well on their own can afford it, it's something that
3 you're not going to get my buy-in.

4 CHAIRPERSON MULÉ: I think, again, the goal here
5 is better enforcement of our statutes and regulations as
6 well as reduced violations. I think that's one of the
7 things -- that was one of the findings that we learned
8 from the MOLO training, was that those violations at those
9 landfills went down significantly as those operators were
10 trained. And so that was a huge benefit to all of us.

11 And, again, you know, our goal is to protect the
12 public health and safety of the people of this state. So,
13 again, you know, looking at the bigger picture, we're
14 trying to provide better enforcement by a better trained
15 staff. And we're also trying to reduce the violations
16 that do occur at the landfill. So, you know, I would like
17 for staff to at least pursue, you know, an expanded
18 structure, some sort of expanded training. And to the
19 level of detail -- I don't know if we should bring that
20 back in May as part of our action plan.

21 I know, Mark, you're working very hard on that
22 action plan, or it's something that might take a little
23 bit longer.

24 Howard.

25 DEPUTY DIRECTOR LEVENSON: I'm getting several

1 different directions I think at this point, and I need to
2 clarify for my own mind.

3 One is certainly we can look at more details of a
4 program like this and what are different opportunities for
5 funding via contract or whatever or -- what I'm struggling
6 with is if we wanted to have a training program that
7 offered courses in landfills, construction and demolition,
8 and composting and so on and we said that's the program we
9 want, we don't have any guarantee those courses are going
10 to be offered. There may be some folks that step up to
11 the plate and offer those courses, and through
12 participants registering they recoup the costs of those
13 courses. But there's no guarantee those courses will
14 actually happen.

15 CHAIRPERSON MULÉ: But you said earlier -- I
16 believe it's here in the staff report -- that every year
17 you send out surveys requesting what types of courses are
18 needed.

19 DEPUTY DIRECTOR LEVENSON: Unless we provide the
20 funding to establish those courses. That's the dilemma
21 I'm seeing. If we don't provide some funding, we don't
22 know those courses will actually be offered.

23 CHAIRPERSON MULÉ: To establish the courses.
24 But, again, you can still charge a fee to operators.

25 DEPUTY DIRECTOR LEVENSON: Generally, our funds

1 are going for venues and specifically for the contractors
2 who are offering the course, and, well, for subsidizing to
3 some extent LEA participation. We can explore mechanisms
4 for having the operators pay their fair share.

5 CHAIRPERSON MULÉ: That's what I'm asking.

6 DEPUTY DIRECTOR LEVENSON: Given that, if that's
7 acceptable, we can work with the Executive Director to
8 look at this in terms of the upcoming action item and see
9 what we can do to at least initially start this. And I
10 think we need to come back to you beyond that with more
11 details and a more comprehensive proposal. And that means
12 we'll need to be working outside this venue with
13 stakeholders such as SWANA and the LEAs to keep exploring
14 this.

15 CHAIRPERSON MULÉ: Is that okay with the
16 Committee?

17 COMMITTEE MEMBER WASHINGTON: Sounds like we need
18 to put a workshop together.

19 CHAIRPERSON MULÉ: Thank you very much, Howard.

20 We have one more item. Let's finish up with the
21 final item.

22 DEPUTY DIRECTOR LEVENSON: That's why we entitled
23 that one discussion and request for direction. And I
24 apologize for some of the confusion.

25 CHAIRPERSON MULÉ: I want to thank all who

1 participated in the discussion.

2 We really do value your comments, Steve. Thank
3 you so much for being here today. We really value your
4 knowledge and your history. Thank you.

5 DEPUTY DIRECTOR LEVENSON: The last item for
6 today is Item 18, Committee Item I, Discussion and Request
7 For Rulemaking Direction of Noticing the Proposed
8 Regulations for RCRA, Resource Conservation Recovery Act,
9 Subtitle D Program Research, Development, and
10 Demonstration Permits for an Additional Comment Period.

11 That's a mouthful. Scott will explain what we
12 call the RD&D regulations and what they entail and where
13 we are in the process.

14 CHAIRPERSON MULÉ: Thank you.

15 Good morning, Scott.

16 (Thereupon an overhead presentation was
17 presented as follows.)

18 BRANCH MANAGER WALKER: Good morning, Madam Chair
19 and members of the Committee. This item discusses the
20 comments received for the proposed regulations for RCRA
21 Subtitle D Program RD&D permits.

22 Based on the comments received, staff is
23 recommending changes to the proposed regulations for
24 Committee direction to go out for an additional 15-day
25 comment period. I'll just run through a very brief

1 summary.

2 --o0o--

3 BRANCH MANAGER WALKER: The background, U.S. EPA
4 had issued a final rule which became effective last April
5 to allow approved Subtitle D Program states to adopt rules
6 allowing RD&D permits from municipal solid waste
7 landfills. The RD&D permits would provide for temporary
8 site-specific variances from some parts of RCRA Subtitle D
9 criteria under very specific conditions whereby the
10 operator must demonstrate the protection of public health
11 and safety and the environment equivalent or better than
12 under the criteria.

13 Just to remind the Committee, the California
14 Subtitle D Program, which was approved in 1993, is
15 implemented jointly by the Waste Board and the State Water
16 Resources Control Board. And the staffs from both
17 agencies have been coordinating on the effort to
18 incorporate RD&D permits in the State's program.

19 The intent of these rules is to stimulate the
20 development of new technologies and alternative
21 operational practices, processes for disposal of minimal
22 solid waste at MSW units. And the examples include
23 bioreactors and also alternative final cover systems.

24 --o0o--

25 BRANCH MANAGER WALKER: The specific criteria

1 here, there's just three specific criteria. And the State
2 requirements are noted that are specific to those.

3 It is anticipated that the primary demand for
4 RD&D permits will be to operate MSW landfills as
5 bioreactors, whereby bulk liquids and liquid waste would
6 be controlled in addition to the waste in order to
7 accelerate or enhance the bio-stabilization.

8 There's currently one such project at Yolo
9 County. They got approval under U.S. EPA's Project Excel
10 Program. It's no longer allowed for new projects. And
11 that's why the various potential applicants are very
12 interested in the RD&D permit regulations to become in
13 effect. We know of probably one pretty close to ready to
14 go, but they're waiting for the authority. And then
15 there's a couple others in the preliminary planning stage.

16 --o0o--

17 BRANCH MANAGER WALKER: The status of the
18 rulemaking. In July, the Board directed staff to publicly
19 notice proposed RD&D regulations.

20 On October 15th, the Office of Administrative Law
21 published the notice for 45-day comment period, which
22 concluded November 30th.

23 We had the public hearing on December 6th at the
24 P&E Committee.

25 And then also we've kind of slowed down a little

1 for the State Board to catch up. And they are going to be
2 amending their policy 9362. And our goal is to align both
3 of those for submittal to AOL for approval.

4 --o0o--

5 BRANCH MANAGER WALKER: Very briefly, the
6 categories of comments, we had 67 comments; 16 persons and
7 organizations; both the written and the public hearing,
8 which included some written, too, that we're
9 incorporating.

10 There were general comments outside of the scope
11 and intent of the regulations. And we can go into those
12 in a little more detail if you'd like. But, essentially,
13 they're outside the scope and intent as reviewed by staff.
14 And one of those was to limit the number of permits
15 issued. And it is not possible at this time to
16 technically justify limiting the number of permits to be
17 issued.

18 The other category that had a lot of interest,
19 there was a number of comments both for and against adding
20 a pre-processing requirement that would require removal of
21 compostable recyclable materials to the maximum extent
22 possible prior to disposal. And, again, we can go into
23 this in a little bit more detail, but I think many of the
24 applicants convey that it's different than conversion
25 technologies facilities where that's being considered in

1 their new facilities, landfills, existing landfills. They
2 tell us it's really not practical at the landfill to do
3 this, and it would be a significant disincentive towards
4 doing research.

5 Furthermore, we don't believe at this time it's
6 possible to establish such a requirement with sufficient
7 clarity and technical justification. However, we really
8 want to make sure to accommodate the concerns over
9 potential impacts to organics markets that all materials
10 sent to an RD&D-approved unit would still be tracked by
11 the Board as disposal or ADC, as would a non-RD&D
12 facility. There would be no regulatory incentive for
13 materials to be redirected from composting and recycling
14 to disposal.

15 I'd also like to point out that the Board has a
16 current regulatory framework implemented by the Diversion,
17 Planning, and Local Assistance Division, whereby through
18 the disposal reporting system, the annual review process,
19 and the biannual review process that jurisdictions of
20 origin are tracked and held accountable for implementing
21 AB 939 programs and also the diversion goal.

22 So, essentially, there is built into this,
23 essentially, what constitutes a pre-processing restriction
24 on whatever goes to a landfill. So we feel that that will
25 help accommodate some concerns and that we would make that

1 clear in the Statement of Reasons.

2 Other comments on specific level of controls and
3 details of the proposed Section 20700. These have to do
4 with comments for and against adding a much more
5 prescriptive design, stability liner, hydraulic head, and
6 leachate requirements. And staff, in consultation with
7 State Board staff, conclude that existing 27 CCR
8 requirements are adequate in those areas.

9 Project termination language. There was comments
10 of concern that the project termination language, which
11 gives the Board, the EA, and the Water Board the authority
12 to terminate projects, that that would apply to the
13 non-RD&D related activities. Like if they did an RD&D
14 project, does that mean they could terminate the whole
15 operation of the landfill? Well, our review of that
16 indicates the intent is strictly the activities authorized
17 by the RD&D permit. So that concern is accommodated, and
18 we will clarify that and make that clear in the Statement
19 of Reasons.

20 The other comment indicated we had inadvertently
21 left out the word "immediate termination" to allow for an
22 immediate termination. And, actually, that is required to
23 be added in, because that's EPA's language. And we need to
24 put that in so that's equivalent or more stringent than
25 EPA's requirements. It does not mean that those agencies

1 could allow for other than an immediate termination, and
2 that would depend upon the circumstances and the
3 justification.

4 And then, finally, the category of comments on
5 specific requests for adding protocols for certain areas
6 that were missing in this proposed regulation. In the
7 next slide, I'll go into that a little bit more.

8 --o0o--

9 BRANCH MANAGER WALKER: But we are proposing some
10 changes in that area, or recommending some changes in that
11 area.

12 Besides the immediate termination language, staff
13 proposed to add in, required in the JTD closure and
14 postclosure plan, summary and protocols for project
15 controls to compare project performance with equivalent or
16 similar activities not authorized under the section.
17 Doesn't mean that would require a construction of a
18 separate cell to compare. It might warrant that, but it
19 may also allow for existing data, literature to be used to
20 compare the performance with a non-RD&D operated unit. So
21 that's one area that we concurred with in the addition.

22 The second is in terms of processing. What we
23 mean here is processing at the facility above and beyond
24 what the landfill facility would already be doing and may
25 include areas from the landfill study that the Board was

1 interested in more data on, which would be the potential
2 for -- if the applicants are incorporating in that project
3 mechanical size reduction or pre-treatment, they may
4 decide to use that in a project they don't have to. But
5 if applicable, they would add that in.

6 The third one is potential accumulation of
7 constituents of concern as defined in Title 27.
8 Constituents of concern means any waste constituents,
9 reaction products, and hazardous constituents that's
10 reasonably expected to be in or derived from the waste
11 contained in the waste management unit. It's already
12 required under Title 27, but it's required for all
13 projects. In an RD&D project, we need to look at that
14 standard and re-evaluate whether they need to add any in.
15 And if they did, they would add that in as part of the
16 project.

17 Another is energy recovery. And some projects
18 may have a specific goal to recover more energy from
19 landfill gas. So in those cases, then that would be an
20 area where they would summarize and then also evaluate as
21 part of the project. Likewise, impacts to postclosure
22 maintenance, and we felt it was appropriate to include in
23 there.

24 Finally, I'd like to point out a couple changes
25 from the agenda item that's written. Some recent

1 stakeholder input is pointed out to us that, if
2 applicable, essentially -- by the term, "if applicable,"
3 there's certain things, accumulation of constituents of
4 concern and project control, that we feel are applicable.
5 And so rather than all of them, if applicable, we
6 identified the three that it would be if applicable. And
7 then propose language there, and that we had that
8 discussion with some of the stakeholders, and they
9 suggested that this would be appropriate for us to do for
10 the changes for the 15-day comment period.

11 So I would just like to conclude that, you know,
12 we're recommending that we go out for -- the direction to
13 go out for additional 15-day comment period. And I'd be
14 happy to answer any questions. I know we do have some
15 public speakers on this item.

16 CHAIRPERSON MULÉ: Thank you very much.

17 I think what we'll do is take our speakers first.

18 I do have a note here from Mr. George Larson
19 representing Waste Management, Inc. He is unable to
20 testify, but he asked that this be read into the record.

21 "Waste Management, Inc., supports the
22 proposed regulations and finds them a reasonable
23 requirement on operators. There may be more
24 workload and cost, but the impact will be
25 minimal. Waste Management, Inc., feels it can

1 comply with the new requirement for summary and
2 protocols for the five areas of interest."

3 Our next speaker is Mr. Evan Edgar.

4 MR. EDGAR: Good afternoon, Board members. My
5 name is Evan Edgar, engineer for the California Refuse
6 Removal Council.

7 We support the 15-day process to move forward.
8 There's some good language there to move the concept
9 forward.

10 In summary, it's a really good science. We are
11 advancing the science. It takes a quantum leap into a new
12 era. We have the unlined units of the permits from the
13 Benton Crossing in Mono County today, to the composite
14 lined landfills in Avenal. Now the double-lined landfills
15 is the next leap. Already in the Central Valley some
16 landfills are required to get double liner. If you go to
17 that expense, it makes sense to go bioreactor. Bioreactor
18 landfills have good technology with respect to what the
19 Waste Board's role is as part of the closure, as part of
20 operations. And you have language there and regulations
21 to address it.

22 The Water Board has the authority over what goes
23 on underneath the double liner and the side slopes for
24 water quality. It's a joint effort with the Water Board
25 and the Waste Board that we've been involved with for the

1 last couple years. It's an advancement of science. I was
2 involved back in my Yolo days to have a cell out at Yolo
3 County Landfill back in early '90s. And back then there'd
4 been a lot of good case study on that.

5 But what bioreactors are not, they are not
6 conversion technologies. They are nowhere near AB 939
7 credit. It's a dry tomb moving to a Subtitle D dry tomb
8 -- what I call a -- to actively manage. It has a lot of
9 good benefits with regards to capturing greenhouse gasses,
10 a lot of good benefits with regards to landfill gas and
11 fulfilling the renewable portfolio system of getting 20
12 percent renewable energy by year 2017.

13 So all types of good credit is there for
14 bioreactor landfills, from greenhouse gasses to renewable
15 energy, but never AB 939. Therefore, the level of
16 pre-processing is tough to achieve, given those 24 million
17 tons of organics going into landfills today, where we are
18 capturing those greenhouse gasses and making greenhouse
19 gas to have the pre-processing requirement, maybe
20 something down the road should there ever be legislation
21 to move forward on somehow getting conversion technology
22 from bioreactor landfills. If that ever happens, there's
23 got to be some type of MRF first pre-processing. But I
24 don't see that happening. We would oppose that type of
25 concept of bioreactor landfills being CTs. Doesn't fit

1 the bill. But has great technology for advancement of
2 landfills.

3 We've come a long way into the next century with
4 having a double lined system. And we support the
5 regulations.

6 CHAIRPERSON MULÉ: Thank you.

7 Next is Scott Smithline.

8 MR. SMITHLINE: Madam Chair, Board members, Scott
9 Smithline with Californians Against Waste. I just have a
10 couple comments.

11 Californians Against Waste isn't actually
12 supporting or opposing these regulations, but there's a
13 reason that I'm up here. Two, actually. The first one is
14 that I'd like to say I appreciate very much working with
15 the staff in making modifications to these. I think it's
16 a better package now based on the modifications that have
17 been made.

18 Our previous comments reference the fact that we
19 think if you're going to move forward with RD&D, one of
20 the most important things is that you are able to obtain
21 data that you can use, you know, three, four, five years
22 down the road to look back and actually see whether these
23 things were successful or not. And I think that these
24 modifications will help you. It will give you another
25 opportunity before these projects move forward to make

1 sure as you view those protocols that the data is going to
2 be collected in such a fashion that meets your approval.

3 The reason we don't support them is because,
4 frankly, while we'd like to see RD&D for anything that's
5 going to improve waste management technologies, these
6 don't move in a direction that we think is necessarily
7 where we'd like to see the future of waste management.
8 We'd like to see the organics out of the ground, not put
9 back into the ground.

10 Thank you for the opportunity.

11 CHAIRPERSON MULÉ: Thank you.

12 Are there any questions, Madam Chair, Board
13 Member Washington?

14 With that, I think that we want to move this
15 forward and have staff notice the recommendations for the
16 15 day, which is Option 1.

17 And with that, this can just move forward on that
18 level; correct?

19 DEPUTY DIRECTOR LEVENSON: That's correct. Thank
20 you, Madam Chair.

21 CHAIRPERSON MULÉ: All right. And thank you,
22 Joe, from the Water Resources Control Board. I do want to
23 commend staff, both our Board staff as well as the State
24 Water Resources Control Board staff in working together on
25 these regulations. And I hope that we see a lot more of

1 this cross-media joint effort. It really is a good
2 example of the various departments working together on
3 regulations. So thank you.

4 COMMITTEE MEMBER MARIN: Can I piggyback on that?

5 Because I don't know if you were here for the
6 previous item when we were talking about if we could move
7 a group of landfills that need to be -- where we need to
8 give them a permit. Were you here for that item, the
9 person from the Water Board?

10 DEPUTY DIRECTOR LEVENSON: This is in respect to
11 treated wood waste, Joe.

12 MR. MELLO: We have been working on treated wood
13 waste. We're trying to get out a joint letter this week.
14 I missed the item this morning.

15 COMMITTEE MEMBER MARIN: Great. Not to put you
16 on the spot. Great work if you're doing it together
17 already and you're moving on that.

18 What my comments were, was to see if we could
19 move a group of landfills that would be at least, you
20 know -- originally, that would move them all together to
21 get them, because there's only nine right now that could
22 take this treated wood waste. So I know that you guys
23 have been working, and I don't like to put you people on
24 the spot, but I often do.

25 MR. MELLO: No. We actually have nine right now,

1 mostly Class 2. We have two more up at the end of this
2 month that are going to the WDRs. We had a request for
3 the central San Joaquin Valley. That's where one of them
4 is going to be. And the other one is going to be north
5 Sacramento Valley.

6 COMMITTEE MEMBER MARIN: Good. The more the
7 merrier. And the sooner the better. Thank you.

8 CHAIRPERSON MULÉ: Again, thank you to both our
9 staff and the Water Resources Control Board staff for
10 their joint efforts on that issue as well.

11 Are there any other members of the public that
12 would like to speak before the Committee?

13 With that, this meeting is adjourned. Thank you,
14 all.

15 (Thereupon the California Integrated Waste
16 Management Board, Board of Administration
17 Permitting and Enforcement Committee
18 adjourned at 12:37 p.m.)

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